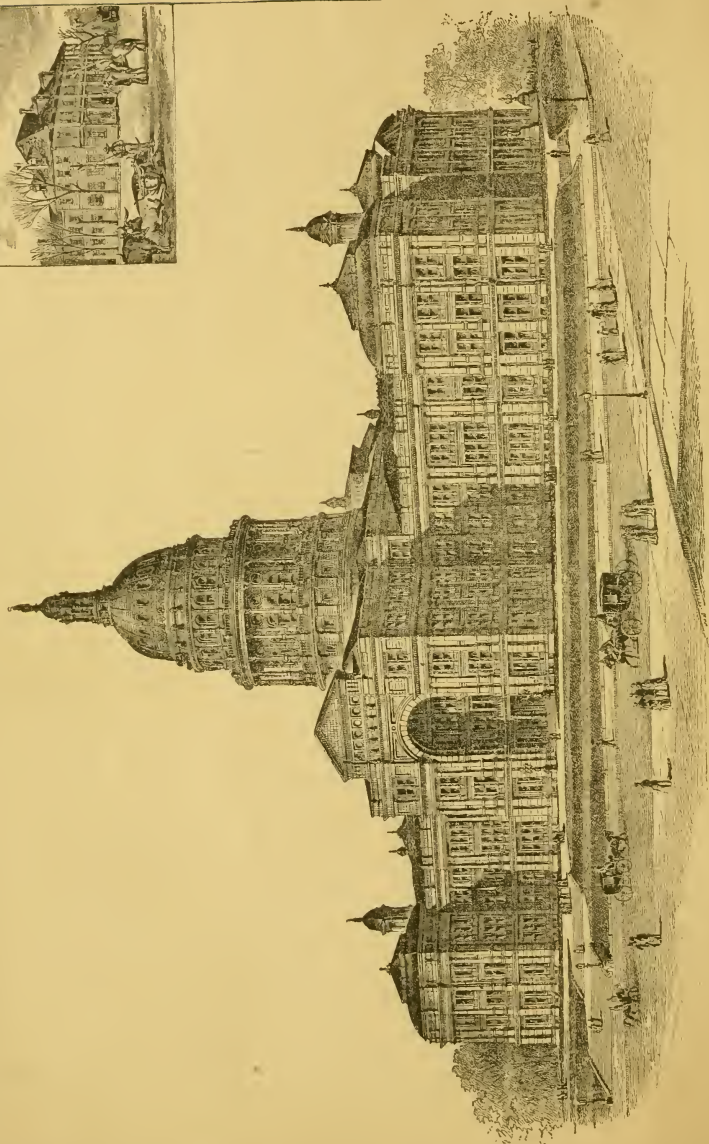
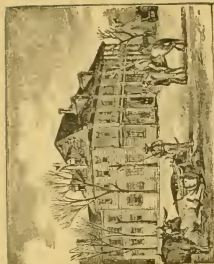


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STATE CAPITOLS, OLD AND NEW.

A

NEW

HISTORY OF TEXAS

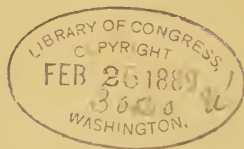
FOR SCHOOLS

ALSO FOR GENERAL READING AND FOR TEACHERS PREPARING
THEMSELVES FOR EXAMINATION

BY

MRS. ANNA J. HARDWICKE PENNYBACKER

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By MRS. ANNA J. HARDWICKE PENNYBACKER

PUBLISHED FOR THE AUTHOR

TYLER, TEXAS

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Preface

As has often been said, there is no State in the Union whose history presents such varied and romantic scenes as does that of Texas. This alone would recommend it to the general reader and the earnest student. But there is in addition to its interest a weighty reason why every school in the State should give Texas History a place in its course of study. No one who learns well the lessons therein taught can fail to become a better and wiser citizen.

This little volume attempts to picture the principal events in our history in a style easy and natural, yet vivid. It was written from the stand-point of a teacher, who believes that success in teaching history demands not only a live instructor, but also a live text-book. If the execution has fallen short of the design, the author begs the charitable criticisms of her co-workers, and assures them they may hope for better things in future editions.

No map is given, since any teacher may secure an excellent wall map of Texas, free of charge, by applying to Central Railroad offices.

Pupils should by all means make their own maps.* By so doing they gain a clearer idea of the topography of the country.

The author has tried to show the causes and results of leading events, thus encouraging the scholar to dip into the philosophy of history. An earnest appeal is made to the teacher to develop more fully this feature of the work. The pupil who learns to *think* over his history lesson, who asks himself the why and the wherefore, is not merely acquiring historical knowledge—he is also developing his powers of thought.

No occasion should be lost to cultivate true patriotism; this means not the blind egotism that asserts our State to be without blemish, but the wise love that sees all faults, and seeing, resolves to correct the same. March 2d and April 21st should never pass without some exercise that tends to make our youth revere and honor the men who made those days immortal.

* An excellent and durable map of Texas may be made by getting a plank of the necessary dimensions, and building Texas thereon, of putty, with its elevations and depressions. After the putty has dried somewhat, it may be colored with ordinary paint, as desired. The making of maps in this way is especially recommended.



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ERA I.

ERA OF DISCOVERIES AND MISSIONS.

(1685-1790.)

INTRODUCTION.

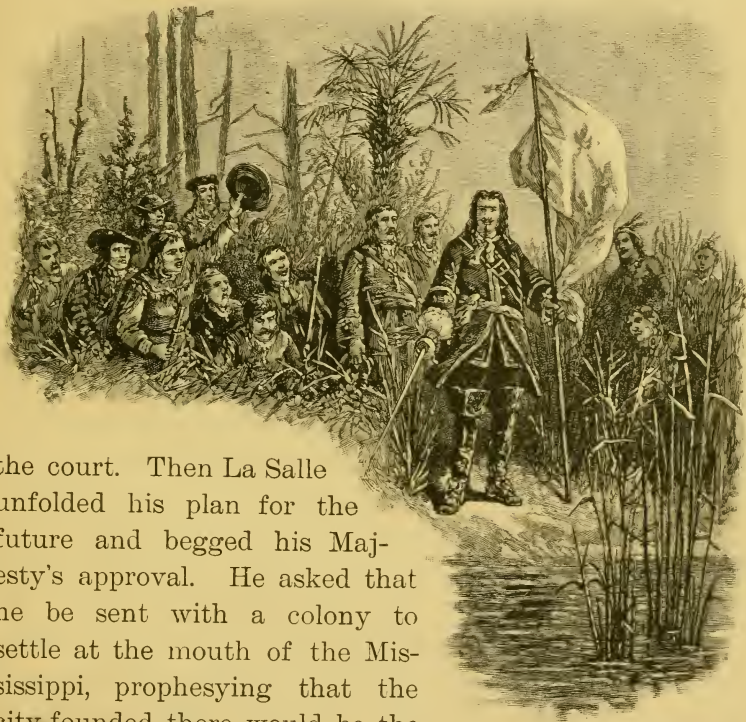
SOME two hundred years ago, had one been in Versailles (*ver sālz'*), he would have found Louis XIV. on the throne, with all France delighting to honor the "Grand Monarque." What sights were to be seen in the gay capital! The king's magnificent palace, with its beautiful grounds, playing fountains, blooming flowers, and singing birds, was the center of all life and pleasure. Groups of richly-dressed ladies and gentlemen were on all sides, for Louis would have none other about him. But one morning there were even more gayety and animation than usual, for wonderful news had come to the king and his court. "La Salle (*lä säl*) has returned from America!" was the announcement that caused such a stir among the royal household: America was still a continent of which little was known, but much was told. People were ready to believe that there they could find the "Fountain of Perpetual Youth." That the Indians possessed uncounted treasures. That the wealth of Sind-

bad the Sailor was naught compared to what one might accumulate in that land beyond the sea. It is not to be wondered, then, that the French were so eager to hear what La Salle had to say.

Robert, Cavalier de la Salle.—This Robert, Cavalier de la Salle, was of a good French family, and had been carefully educated, as his parents intended him for the priesthood. However, being fond of adventure, and hearing such wonderful stories of the New World, he abandoned the idea of becoming a priest, and went to Canada, where he engaged in fur-trading. He afterward decided to devote his energies to discovering a new route to China, and began by sailing down the Ohio River. He thought the Ohio emptied into the Pacific Ocean. But he discovered that the Mississippi, not the Ohio, was the great river of the continent. Continuing his journey, he arrived at the mouth of the Mississippi, April 19, 1682, one hundred and forty-one years after De Soto saw the great Father of Waters. La Salle took possession of all the lands on both sides of the river in the name of his king, Louis XIV., while his heart beat fast with the pure joy of patriotism as he looked upon all the beautiful country he was winning for his beloved France.

La Salle's Return.—This was the man who had returned to France, and was now standing before the king telling of his voyages and adventures. As in glowing words he pictured the grand Mississippi, with river after river paying it tribute, and at last the great stream giving up its burden to the Gulf; as he told of the rich

land on either side that now belonged to France, the king smiled, and a murmur of applause ran through all



LA SALLE AT THE MOUTH OF THE
MISSISSIPPI.

the court. Then La Salle unfolded his plan for the future and begged his Majesty's approval. He asked that he be sent with a colony to settle at the mouth of the Mississippi, prophesying that the city founded there would be the largest in America. He showed that this course would not only hold all his discoveries for France, but would also in time give Louis an opportunity of conquering Mexico, which was already occupied by the Spanish. In spite of the plots of enemies, La Salle succeeded in obtaining from

the king all he asked. This caused him to feel repaid for all the toil and trouble he had undergone. Fame seemed waiting to crown her son.

La Salle's Second Voyage.—On July 24, 1684, La Salle sailed once more for America. In his four ships he carried about four hundred people; among them were women as well as priests, soldiers, and mechanics. He also had tools, cannon, ammunition, huge supplies of provisions—in short, every thing to make the colony a success. After a stormy voyage, during which one of his ships was captured by the Spaniards, they came to land, which they thought to be Florida, but which was the country afterward known to the world as Texas. On discovering the mouth of the Mississippi, La Salle had taken the latitude, but in so doing had made the mistake of placing it too far north. This, with a wrong impression concerning the Gulf Stream, caused the error which resulted in his landing in Texas. When the mistake was discovered, La Salle wanted to sail eastward again, but some trouble with his sea-captain prevented, and misfortunes came thick and fast; one ship was lost, and the captain took another ship and sailed back to France. By this time their provisions were nearly exhausted. At first many grumbled at having to work early and late, but when they saw the great leader himself doing more than any of them, they could not well remain idle. In spite of much trouble with the Indians, and the death of some forty of their number, the colonists were soon snugly settled in Fort St. Louis, as their little

town was named; and as buffaloes, deer, birds, and fish were plentiful, there was no danger of starvation.

Search for the Mississippi.—La Salle now determined to start on a search for the Mississippi, which he still believed to be near. Many were the trips he made, but no great river did he find. An ordinary man would have given up in despair, but La Salle never gave up. He finally decided to make a longer and more perilous journey than any he had yet made. When La Salle sailed down the Mississippi, he left at the mouth of the Illinois River a little colony under the command of a brave soldier friend, De Tonti (tŏn'tēe), The Iron-handed. (This last name was given De Tonti because he had lost one of his hands, and had an artificial one made of iron.) La Salle resolved to find De Tonti, and with his assistance to carry out the plans that he had made. Before starting, he called his colonists around him and told them why he must leave, bade them remember why they had come to America, and how disappointed their king would be if they did not accomplish their purpose, encouraged them, and bade them farewell. Few who heard him thought that this would be the last time they should hear his voice, but so it was. To go two thousand miles over a country of which he knew nothing, where there were no roads, where there were many swift and swollen rivers to cross, where the Indians might at any moment rush upon them—this was the task that La Salle was undertaking. He knew De Tonti was somewhere north of him, and that was all he did know; but

thanks to the compass and the kind North Star, that never refuses its light to the traveler, he was not without guides.

Troubles.—La Salle, his nephew, a priest, and the men he had chosen, traveled on for several weeks, suffering many hardships. During this time some of the men had been growing dissatisfied. They thought their leader too haughty and their work too hard. Duhaut (dū hō'), one of the soldiers, hated Morganet (mōr gān yā'), La Salle's nephew, and was eager for a quarrel, and Morganet himself was not averse. On one occasion Morganet was sent by his uncle to a camp where Duhaut was drying meat; a dispute arose between them, and that night, while young Morganet was asleep, he and his two companions were murdered. When morning came, the murderers were frightened at what must be the result of their cowardly deed. They came to the conclusion that, to save themselves, La Salle must die.

Murder of La Salle.—For two or three days La Salle waited the return of Morganet. He grew uneasy. He feared the Indians had attacked the party, or that they had lost their way; and at last, unable to bear the suspense, he took with him the good Father Anastase (ä nās'tās), and started in search of Morganet's party. After going some miles, he found the cravat of one of the men; it was soiled and bloody. His heart sank; he feared that something terrible had happened. Knowing that the camp must be near, he fired his gun to let them know that he was coming. Duhaut's men hearing the

shot, came up ; but Duhaut hid himself in the long grass, and cocked his gun so as to be ready to fire. "Where is my nephew?" La Salle asked. "He is lower down the river," replied one of the men. Just then a bullet came whizzing through the air, and La Salle fell, shuddered, and without a word, died. Father Anastase dug a shallow grave with his own hands, and placed therein the body of the friend he had loved so well. In that lonely spot, in that humble grave was buried (March 20, 1687) the man whom Louis the Grand had delighted to honor, and whose name was to live for centuries. Many have pronounced his life a failure, because he did not accomplish what he had planned ; but let no Texan sanction such a judgment, for had it not been for his patience and energy, his description of our soil and climate, Texas would not have been settled so soon, and her entire history might have been changed.

In La Salle's native city, Rouen (roo'en), there stands a grand statue of this gallant son of France. May we not hope that in Texas, at no distant day, a stately tomb will rise over that hallowed spot where the Columbus of his age sleeps?

The Colony.—The murderers did not prosper ; they soon quarreled among themselves, and were all killed. Some of the party continued the journey, and found De Tonti and the river. The colonists in Texas, with no wise ruler, fared badly ; they could not agree among themselves ; sickness greatly decreased their numbers ; and through bad management food became scarce. The

Indians attacked them and killed all but five. On this—the first European settlement in Texas—rested the claims of France to all lands between Mexico and Louisiana.

Spanish Claims.—As in 1542 De Soto had entered Texas, passing near Texarkana, and in 1582, Espejo (es pā'ho) had made halts at both El Paso and Santa Fe, Spain claimed Texas. She also asserted herself mistress of the entire Gulf of Mexico. The Spanish king forbade, on pain of death, any one save his own subjects, sailing on the Gulf. It was in obedience to this order that one of La Salle's ships had been captured.

Indians.—Being the aborigines of the country, the red men certainly had just claim to possession; but, as has ever been the case, instead of uniting in one grand force against the whites, they divided their strength, some few favoring the Spaniards, many more siding with the French, while others, Ishmael-like, turned their hands against every man.*

Spanish Search for La Salle.—At the time of the capture of La Salle's ship, the Spanish did not know

* At the head of these tribes stood the Comanches. In point of fidelity they resembled the Arab. Woe to the rash traveler who dared go through their boundaries, relying upon his own strength! His goods were taken, while his scalp dangled from the belt of the first brave who met him. But if he went to their camp and boldly asked their protection and hospitality, all was changed; he was given the best of every thing, and sent on his way under a safe escort. In addition to bows and arrows, the Comanches had long spears, tipped with a sword-point; this made them more formidable in war than the warriors of any other tribe. They had one great chief, and several subordinates. Four times a year councils were held in various villages, but once a year a grand council of the whole tribe convened. Here all important matters were discussed, all general movements decided, and all criminals tried,

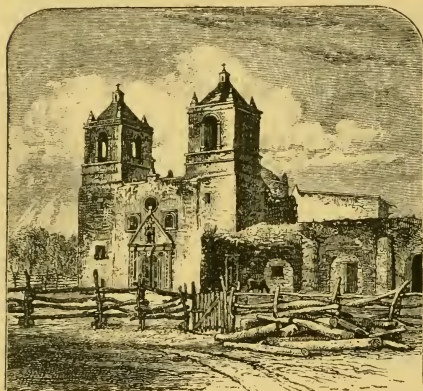
where the French were going, yet they feared that Texas was the point of destination. Months afterward, it was learned from the Indians that a band of whites were in Texas. After some time, Captain De Leon (lā ōn'), with one hundred men, was sent out to find and destroy the French. They found Fort St. Louis, but it was in ruins, with little to show that it had once been a town with comfortable homes. Search being made among the Indians, two of the French were discovered, and sent as slaves to the silver mines of Mexico.

Spanish Settlements.—On De Leon's return, he pictured the climate and soil in such glowing colors, and described the Indians as being so mild and docile, that the Spanish authorities decided to found a mission at Fort St. Louis. The mission proved a failure, and in a few years was entirely abandoned. For some time after this, neither Spain nor France took any steps toward colonizing Texas.

The Crozot (erō'zō) Grant.—In 1712, Louisiana and all lands to the Rio Grande were granted by the King of France to Anthony Crozot, one of the keenest financiers of his time. He determined, by opening a trade with Mexico through Texas, to make a fortune. This placed Spain on the alert, for she saw that she must either occupy Texas herself, or see it pass into the hands of the French. To build a chain of missions from the Rio Grande to the Sabine, and thereby gain entire control of the country, was the plan adopted and almost immediately put into execution.

MISSIONS.

Wherever Catholic nations bore their conquering arms, two purposes were ever held in view—to make the country subject to their king, and to win the natives as converts to the Roman Church. This was plainly shown in



CONCEPCION MISSION.

every mission, for each was a combination of chapel and fortress, while Presidio (prā sē-di o), meaning a garrison for soldiers, was used synonymously with missions. In erecting these missions, a massive stone structure of great thickness was first built; this was the chapel, and

refuge in time of greatest danger; some of them were large enough to hold six or seven hundred people. The church faced upon a square or plaza, as it was called. Other necessary houses, such as granaries, homes for the priests, barracks for the soldiers, and prisons for the criminals, were built on all sides of the square. At a little distance were huts for the converted Indians.

Religion of the Indians.—To appreciate the task undertaken by the Spanish priests, the moral condition of the Indians must be understood. Though they knew nothing

of the God of civilized nations, yet they believed in and worshiped one all-seeing, overruling spirit, whom they called Manitou. Their creed taught them that all things, animate and inanimate, possessed souls; and that all these souls were immortal. If an Indian had been brave in war, and faithful to his conception of duty, he trusted after death to be wafted on the wings of the wind to the Happy Hunting-grounds, where he would find waiting him his horse, his dog, and all things, as weapons, tools, skins, or blankets, that he had broken or mutilated in this world. His bow and arrows were buried with him, that they might be ready for his use the moment he entered those blissful abodes. His ideas of right and wrong differed widely from ours. For him to show any kindness to his mother, wife, or daughter, was a sign of weakness. His poor squaw cut the wood, raised the corn, carried the loads when they journeyed, cooked his food, yielded to his every whim, and made herself a slave to him. He—the lazy fellow that he was—did nothing, and gave her as her reward hard words and still harder blows. To love one's enemy, was unheard of; to scalp him, was the duty of every brave. Manitou had given them no command to be diligent, hence laziness was a race characteristic. To change such people into industrious Christian subjects of his Majesty, the King of Spain, was indeed a herculean undertaking. But the priests were, for the most part, good men, who had voluntarily given up all the comforts of civilized life for this labor of love. Undaunted, they went at their work with cheerful hearts.

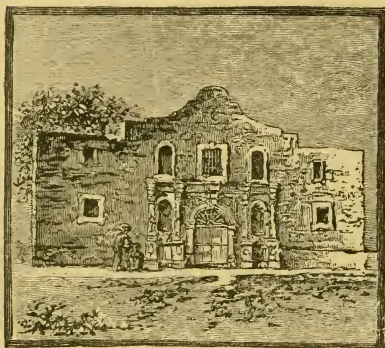
Indians Introduced into Missions.—When the Spaniards came to found the missions, they did not at first erect the stone buildings described in a previous topic. Until the Indians were trained to do the labor, this was impossible. The priests, assisted by the soldiers, put up simple structures of wood, with roofs of twigs, leaves, and grass. Led by curiosity, and the gentle demeanor of the holy fathers, the Indians came in crowds to watch the strange work. Soon they offered their assistance. A bright picture, a bit of red cloth, or a string of beads, was to them sufficient reward for a day's labor. The lighted candles, the music, the incense, the altar with its handsome fixtures—all the ritual of the Church—charmed and thrilled these simple children of the forest. As the priests taught them day by day, some of them began to comprehend what it all meant, and a few became true Christians. These were anxious to stay near their sacred teachers, whom they learned to love, and were delighted to obey. The far greater number, however, understood only enough of what the priests said to be frightened at what would happen to them in the next world. Moved by fear, they too remained near the fathers, having a vague idea that this might save them. In this way quite a number became as completely under the control of the priests as if they had been slaves.

Life in the Missions.—Early each morning, all Indians in the mission were assembled for prayers; next they heard mass and a lecture. Each one then went to his task, some toiling in the field, others working on the

massive stone chapels, which were to take the place of the wooden structures. In the afternoon, they had religious services; and at night, services again. On going to their huts to sleep, they were locked in to prevent their escape. In return for this labor, they were well fed and clothed by the priests. As the savages had ever lived as free as the birds of the air, such a life of confinement told severely upon them. How they longed once more to mount the fiery mustang and gallop away over the boundless prairies, to again let fly the arrow in the chase, to be once more on the war-path, uttering such fiendish whoops as should make all the welkin ring! When one tried to escape—and many did so—soldiers were sent out to capture him; on his return he received severe punishment. As the supply of converts came in too slowly for the work the priests wished to accomplish, the most trusty Indians were sent out to bring in, by fair or foul means, others of the tribe. In this way a sufficient force was obtained to irrigate the land for miles about the mission, to till the soil until the country smiled like a garden, and to erect the great buildings which are still the pride of every Texan's heart.

Principal Missions.—On the bank of the river, about four miles below San Antonio, stands the most beautiful of all the missions, San Jose (săn ho sê') de Aguayo. The carvings and statuary which ornament its front, are the works of a Spanish artist, who devoted many of the best years of his life to this labor. San Jose was begun in 1718, and finished in 1771. In 1731, the Mission

Conception was founded some two miles below San Antonio; while in the heart of this "City of Missions" rises the scarred visage of the Alamo, a name hallowed by its



ALAMO MISSION.

baptism of blood.* In Me-
nard County, on the San
Saba River, in 1734, was
founded the San Saba Mis-
sion. All went well until
a silver mine was discov-
ered near by. Miners,
flocking from all the coun-
try around, committed so
many outrages upon the
Indians, that the savages
rose in revolt, and butch-

ered the entire white population of the little town. There were many other missions founded, some of which have entirely disappeared, while others still stand majestic monuments to the patience of the Spanish priests.

St. Denis (dgh ne').—Texas was during this period ruled by a governor, appointed by the Viceroy of Mexico, with the sanction of the King of Spain. Yet the French had by no means given up their claims to the country. In 1714, St. Denis, a bright and energetic young Frenchman of noble family, was sent out by the Governor of Louisiana to open a trade with Mexico. His career was a checkered one: in prison, his goods seized, in favor with the Spanish authorities, marrying the daughter of

* A detailed account of the Alamo will be given later.

a Mexican official, winning the friendship and love of the Indians; again imprisoned, an escaped fugitive, establishing an illicit trade with the Mexicans—he, after some years passed in such experiences, was forced to give up his task in despair. One of his achievements was the laying off of the San Antonio road, which still exists.

Company of the Indies.—Finding that he was sinking money, Crozot (1719) gladly gave up his charter to the Company of the Indies. Under the management of the company, in spite of the stringent laws of Spain, a certain amount of trade was carried on between Louisiana and Mexico, Texas being the thoroughfare. Attempts were made at colonizing, but they were unsuccessful.*

* In 1719, this company sent out a thousand colonists to Louisiana. It happened that the captain of one of the ships, making the same mistake that La Salle made, sailed past the mouth of the Mississippi, and entered Matagorda Bay. A boat was sent out for fresh water. While the sailors were thus occupied, Monsieur de Belisle, a French gentleman, having obtained the captain's permission, went on shore to hunt. He was accompanied by four of his brother officers. Some hours passed, and the hunters did not return. The ship was ready to sail. The captain grew angry at being thus detained. "I'll give them five minutes more," he finally said; "if they are not here then, I shall wait no longer." The moments passed, the men were nowhere in sight. The captain kept his word, the ship sailed away. The feelings of the officers, when they returned, may be more easily imagined than described. There they were in an unknown country, with no signs that human footsteps had ever trod those wilds. They had no food; no hopes of seeing another ship enter that bay. For days they wandered about from place to place, living on bugs, worms, and roots. Belisle gave the little dog, he had brought with him, to his companions for food. But the animal managed to escape. The four men died of hunger, leaving Belisle expecting to share the same fate. Just as he lay down to die, he heard a rustling sound in the bushes, and turning, saw his dog with an opossum that it had caught. Revived by the food, he determined to leave the coast and journey inland, hoping that he might there find some traces of men. Day after day he wandered on his lonely way, living on insects and roots, till—oh! joy to say it—he saw footprints.

Spain Colonizes.—The Spanish authorities finally became convinced that to make Texas prosperous, missions alone would not suffice. Colonists were needed. In 1728, therefore, Spain spent some \$75,000, in bringing over from the Canary Islands thirteen families of pure Spanish blood and marked religious fervor. These people, with others from Mexico, settled about the Plaza of the Constitution, which is still to be seen in San Antonio.

Louisiana Ceded to Spain.—France, having her hands

Following them, he found a group of Indians seated around a fire, drying buffalo meat. They seized him, tore off his clothes, divided them among themselves, and looked so fierce that he fully expected to be killed. On the contrary, taking him to their village, they sent him to an old squaw, who used him as her servant, but gave him plenty to eat and was not cruel toward him. As his strength returned, he learned their language, and soon gained so much influence over the savages, that they began to look upon him as their chief. But they took good care that he should not escape. One day some Nassonite Indians came to visit the tribe, and were brought to Belisle's hut, to admire the white prisoner. On looking at him, one of the Nassonites said: "We have near us many pale faces like this." Belisle's heart beat fast with happiness as he heard that his own people were near. Mixing soot and water, he made some ink. A stick did for a pen. On his officer's commission, which he had managed to keep through all his misfortunes, he wrote a message, and begged one of the visitors to take it to the white chief. The Indian, being promised a great reward, took the paper to the French captain at Natchitoches, who was none other than St. Denis. As soon as St. Denis read the paper, he began to make signs of the deepest grief, after the manner of the red men. As the savages loved St. Denis, they were troubled to see him so distressed, and crowded around him to find the cause of his trouble. "Alas!" said he, "I weep for my dear brother, who is a lonely prisoner among the Indians you have just left." "Is that all?" asked one of the warriors. "Then let our pale chief weep not, for ten of our braves will go, and in two moons bring your brother to you." Having received horses, guns, pistols, and clothes from St. Denis, the Indians returned to the village where Belisle was a captive. They rushed up, fired their guns, and frightened all the Indians into running. The Nassonites, quick as a flash, seized Belisle, placed him on a horse, and galloped away back to St. Denis. Belisle afterward became an officer in the Louisiana army. He was sent out to settle a colony in Texas, but was unsuccessful.

full at home, had neither soldiers nor money to send her colonies in Louisiana. She feared that they would fall into the hands of the English, who were already pressing dangerously near. Rather than see Louisiana belong to her enemies, she ceded it, in 1763, to Spain. The effects of this change upon Texas will be shown in the next epoch.

The Last Mission.—In 1790, the Spanish founded the mission of Our Lady of Refuge, at Refugio. This being the last mission ever established by them, marks the end of the Mission Period.

Condition of Texas.—At the close of this epoch, it still seemed that Texas would never be a populous, cultivated region. In spite of all the money that had been spent in founding missions, and importing colonists, in 1744 Texas contained only fifteen hundred people. In 1765, there were only seven hundred and fifty Europeans in all this grand State, that now boasts of two and a half million inhabitants. The causes of this condition of affairs were numerous. The Indians were troublesome; the quarrels between the Spaniards and French were constant; the massacre at San Saba gave a mortal blow to the missions; but more than all these, Spain governed her colonies most tyrannically; she permitted none but Catholics to settle in her lands. The colonists saw around them rich fields, but they could not plant what they wished. They had many fine opportunities for trade, but Spain said, "No, you shall buy from and sell to none but me." They breathed the bracing air of liberty, wafted

to them from the north, where young America was preparing to break her chains, but Spain said, "You have too much freedom already; crush this foolish ambition. It is not for you to prate of liberty." It is not then to be wondered that more than a hundred years after settlement, this goodly land, Texas, was scarcely more than a wilderness.

BLACKBOARD ANALYSIS.

ERA I. DISCOVERIES AND MISSIONS. (1685-1790.)	I. LA SALLE.	{	1. His Life and Character.	{	
			2. Lands in Texas. (1685.)		
			3. His Trials.		
			4. His Death. (1687.)		
			5. His Colony.		
	II. SPANISH CLAIMS...	{	1. Founded on De Soto's and Espejo's Explorations.	{	a. <i>Names.</i>
			2. Missions.		b. <i>Dates.</i>
					c. <i>Purpose.</i>
					d. <i>Effects.</i>
					e. <i>Why Failures.</i>
			3. Colonists from Canary Islands. (1728.)		
	III. FRENCH IN TEXAS.	{	1. Crozet's Grant.	{	
			2. St. Denis.		
			3. Troubles in France.		
			4. Louisiana Ceded to Spain.		
	IV. TEXAS INDIANS...	{	1. Manner of Life.	{	
			2. Religion.		
			3. Work of Spanish Priests among them.		

ERA II.

ERA OF FILIBUSTERS.

(1790-1820.)

TO understand the events that during this era happened in Texas, a knowledge of the state of affairs in Mexico and the United States is necessary.

Mexico.—At this time Spain was in a most deplorable condition. Now under the heel of Napoleon, now rising against his tyranny, now at war with herself, now for a time blotted out from the catalogue of nations,—that she had no time to attend to her possessions in the New World is evident. The colonists, on their part, were weary of Spanish rule, and desired independence. They could not ask for a more favorable time. As is ever the case, many martyrs were offered on liberty's altar, before definite results were reached. The first general revolution (1809-1810), which was led by the gentle scholar and priest, Hidalgo (ē dāi'go), was opposed by the great mass of the priesthood. The revolution failed; the brave Hidalgo was executed. In the course of time, Spain called a new junta, which passed certain laws, making sweeping changes in many matters that concerned the priests. This caused the holy fathers to at once go over

to the side of the revolutionists. "If Mexico becomes an independent country," they reasoned, "we will be able to make such laws as we wish for our control." A second revolution occurred. After a few battles, the Mexican patriots were victorious. An empire was formed, and General Iturbide (e tooor bē'dá) was made emperor. The mass of the people longed for still more freedom. But Iturbide granted nothing, his desire being to make himself absolute ruler. The empire was overthrown, and in 1823, a republic was formed.

The United States.—While the outlook in Mexico was dark and overshadowed by war-clouds, in the land where our "bonny blue flag" waved, there were peace and prosperity. The war of 1812 was the only thing that disturbed the nation. The country grew rapidly. Settlers were pushing in every direction toward the frontier, and already some—with longing eyes—were looking toward the broad prairies of Texas.

United States and Spain.—After Louisiana became the property of Spain, a dispute arose as to whether the Americans had any right to navigate the Mississippi. This only tended to bring Texas more before the eyes of the American people, and made it a still more attractive place to daring adventurers. The Spanish officers became less strict as to trading in Texas, and the colonists began to be more prosperous. Americans, seeing that the door into Texas was slightly—and very slightly, too—ajar, were not slow to begin pushing into the forbidden ground,

Nolan's Expedition.—In 1797, Philip Nolan obtained permission from the Spanish commander to enter Texas, for the purpose of catching wild horses for the American general in Louisiana. While on the trip, Nolan was keen enough to make a good map of the country, and to open trade with the Indians. Meeting with success, a year later, he decided to repeat the experiment. By this time, however, the ever jealous Spaniards began to fear that the Americans were seeing too much of Texas, and resolved to prevent Nolan's going. He, with twenty companions, eleven of whom were Americans, managed—in spite of Spanish resistance—to enter Texas, and catch three hundred mustangs. Early one morning, the little company awoke, to find themselves surrounded by one hundred and fifty Spaniards. Though their guards had been seized, and some of their men had deserted, the Americans gave fight. Nolan was soon killed. His place was taken by Ellis P. Bean. The Spaniards promised the Americans that, if they would surrender, they should be sent home in perfect safety. The Americans gave up their arms. But instead of the promise being kept, the poor prisoners were carried from place to place—often in heavy irons—sometimes in prison, until they all perished except Bean.

Louisiana Purchased by the United States.—Spain had never considered Louisiana as her own property. Hence, after some years, she secretly returned the State to France. Napoleon, being in great need of money, sold Louisiana, in 1803, to the United States. This displeased Spain

exceedingly, especially when the Americans revived the claim to Texas, saying that it was a part of Louisiana.

Neutral Ground.—It soon seemed that war was certain, for Spain not only claimed Texas, but even wanted to cross the Sabine and take a part of Louisiana. At last, the matter was peacefully arranged, by making the land between the Sabine and the Arroyo Hondo neutral. As in this strip of ground no law ruled, it soon became the home of criminals and desperadoes, whose sole occupation was robbery.

Magee's Expedition.—Of all the companies sent into Texas during these troublesome times, none was of such magnitude, none underwent such terrible experiences, as Magee's expedition. The leader was a young lieutenant in the United States army, who had been stationed in Louisiana, to protect Americans crossing the Neutral Ground.

Magee and Gutierrez (gōō te ēr' ēs).—At this time, the Royalists (those who preferred belonging to Spain) of Mexico were in power, and the Republicans were in exile. Many of them had taken refuge in the United States, and in the Neutral Ground. Having met with some of the most talented of these Republicans, Magee became infatuated with the idea of freeing Texas from Spanish rule. He and Gutierrez, a noted Spanish exile, entered into a compact to effect this purpose. They gained support from three classes—the Mexicans who lived in Texas, the freebooters of the Neutral Ground, and the Indians,

Preparations.—Resigning his commission in the United States army, Magee went to New Orleans, to obtain supplies and men. Nor were men hard to obtain, for then as now, the youth of the land were ready to enter upon any hazardous undertaking.* Gutierrez gathered his forces, and gave them the name of the “Republican Army of the North.” Of the combined troops, Gutierrez was selected leader—though really Magee was the ruling spirit. As to their number, authorities differ; it ranges from three hundred to seven hundred.†

Scenes at Goliad.—Entering Texas, the little army swept all before them, until they came to Goliad. They took the fort, for the garrison willingly came over to their side. But in a few days they were besieged (March, 1813) by a Spanish army sent out against them. Some of the party, becoming discouraged at this turn of affairs, made their escape. After three or four weeks, it happened that, during a few days of truce, Salcedo, the Spanish general, invited Magee to dine with him. At this interview, Magee agreed to surrender the fort to Salcedo, with the understanding, that all the Republican army should be sent home in perfect safety. On his return, Magee had all the troops paraded, told them what he had done, and asked all who approved to shoulder arms. As the soldiers listened, expressions of amazement

* Each volunteer was promised forty dollars per month and a league of land.

† When it is remembered, that at this time the United States was at war with England, and Mexico was in the midst of revolutions, it will not seem strange that the history of these expeditions was not more accurately compiled. Greater events engrossed public attention.

crept into their faces—that he, their brave, daring young leader, should advise such a step! Few obeyed the order to “shoulder arms.” Many, to show their displeasure, struck their guns heavily upon the ground. Magee stood a few moments in silence, then turned, and with down-cast head entered his tent. Soon a messenger, bearing a flag of truce, came, bringing a note from Salcedo, asking why the fort was not surrendered, as had been promised. No reply was sent. Salcedo then made a furious attack upon the fort. Though the Americans were confused and distressed by Magee’s course, yet they rallied and drove the Spaniards back in confusion. During this time Magee remained in his tent. That night at twelve he died—some say by his own hand. The Spaniards soon afterward abandoned the siege and retreated.

Battle of Rosalis.—Samuel Kemper, having been elected leader of the Americans in Magee’s place, it was decided to march on to San Antonio, where Salcedo was encamped. The Americans now numbered about one thousand, while the enemy had a force of two thousand. On nearing San Antonio, the Americans made an attack and drove the Spaniards from the field; though in addition to their greater number of men, the enemy had several pieces of artillery, and possessed every advantage as to knowledge of the surrounding country.

A demand was sent (March 29, 1813) to Salcedo, to surrender San Antonio. He asked until morning for consideration, but received the curt reply: “Either present yourself and staff in our camp at once, or we shall

storm the town." The fort was given up.* The victorious army entered the town, took possession of all treasures, rewarded all soldiers,† and released all prisoners found in San Antonio. Would that this were all! But the picture has a darker side. The soldiers of the conquered army were released, and the officers paroled. Since reaching San Antonio, Gutierrez had assumed more authority than before. He announced to his force, that he deemed it wise to send the Spanish officers to New Orleans, to remain until the war closed. All agreed to this—the Americans never dreaming of the infamous plot that Gutierrez was secretly cherishing. Salcedo and his officers started, under the charge of a party of Mexicans, for the sea-coast. After going a short distance, they were stopped and told to prepare for death. With fiendish delight the Mexicans then tied all securely, and cut their throats.‡ As the Americans considered their honor pledged for the safety of Salcedo and his companions, when they heard of the murder, a number of the best men left the expedition.

Battle of the Medina (August 18, 1813).—Other Amer-

* When Salcedo came to give up his sword, he offered it to Captain Taylor, who sent him to Colonel Kemper. On offering it to the latter, he was told to take it to General Gutierrez. Salcedo's patience was exhausted, nor would his pride brook further insult. He took his sword, ran it in the ground before Gutierrez, and left it there.

† The Indians asked as their chief reward two dollars' worth of vermilion.

‡ The excuse given by Gutierrez for the murder was, that Captain Delgado had on bended knees begged that he might thus avenge the murder of his father, who had met his death through Salcedo. A grand excuse for butchering the entire staff of officers! Mrs. Holly has well termed Gutierrez a Sancho Panza in time of war, but a person of importance in time of peace.

icans came in to take the place of those who left. Elisondo was sent with a strong Spanish force against the Republicans, but he was entirely defeated. The Americans, finding that they could trust Gutierrez in nothing, deposed him, and placed Toledo (tō lā'do) in his place. This step caused much dissatisfaction among the Mexicans. Fortune, that had long smiled upon the Republicans, now turned her face. General Arredondo (ar rā-don'da), having heard of the defeat of the Spaniards, resolved to utterly destroy the rebel force. With four thousand men he came near San Antonio, and threw up strong fortifications, which were arranged so as to entrap the enemy. Toledo, not waiting for the attack, boldly advanced. At the first charge, the Spaniards pretended to be terror-stricken, and fled. The Republicans followed eagerly. Toledo, just then perceiving the snare into which he had been led, gave the order to retreat. One wing obeyed. But the other shouting, "No; we *never* retreat," rushed to their death. The leader of the Mexican troops obeyed no command of Toledo's, and finally, added treachery to his other crimes, by going over with his men to the enemy. The Americans fought bravely; but what could they do against such odds? Ensnared, separated, with treason in their midst, they were forced to flee. Then began a scene of terrible butchery, for the Spaniards spared none. Thirsting for blood, they drank their fill.* Of the eight hundred and fifty Americans

* Seventy or eighty prisoners were captured near Spanish Bluff. These were taken, securely tied, and placed in groups of ten upon huge pieces of timber, be-

engaged in the battle, only ninety-three succeeded in escaping.

Lafitte (là fit').—Jean Lafitte was a Frenchman, who, having run away from home, after many adventures, became master of a privateer. Falling in love with a beautiful young woman of Charleston, S. C., he became jealous of all about her. A rival crossed his path. Lafitte challenged him; the rival fell, and Lafitte fled southward. He gathered about him a set of daring seamen, and established himself on the Island of Grand Terre (grăn tēr), about sixty miles from the Mississippi Delta. Here he made a fortune by smuggling goods into the United States. Not being able to disperse them, the Governor of Louisiana offered \$500 for Lafitte's head. The Frenchman was not to be outdone, for he at once offered \$15,000 for the Governor's head. His establishment was at last so nearly destroyed by ships from the United States Navy, that he and his men were forced to keep very quiet. In 1814, British officers went to Baratania (bă ră tă're ä)—as the settlement on Grand Terre was called—to offer Lafitte £30,000, the office of post captain, and the



JEAN LAFITTE.

neath which a grave had been dug. The captives were then shot, their bodies falling into the yawning pit.

command of a frigate, if he would assist them in the war they were then waging against the United States. While Lafitte's crimes were not few, he did not commit that unpardonable sin—treachery to the country to which he had sworn allegiance. He requested several days to consider their offer. His request was granted. He at once sent the proposal of the English, together with a patriotic letter from himself, to Mr. Blanque, a State officer of Louisiana.* In this letter he offered his services to the United States. His offer was accepted, and he was received once more into respectable society. In the battle of New Orleans he fought so bravely, that the President of the United States granted him a full pardon for his past offenses. At the close of the war, however, the old life of adventure possessed such a charm for him that he could not resist. He now made Galveston Island his

* LETTER FROM MR. LAFITTE TO MR. BLANQUE.

BARATARIA, September 14, 1814.

SIR:—Though proscribed by my adopted country, I will never let slip any opportunity of serving her, or of proving that she has never ceased to be dear to me. Of this you will here see a convincing proof. Yesterday there appeared here under a flag of truce, a boat coming from an English brig, at anchor about two leagues from the pass. A British officer of high rank delivered to me the following papers: two directed to me, a proclamation, and the admiral's instruction to that officer, all herewith inclosed. You will see from their contents the advantage I might have derived from that kind of association. I may have evaded the payment of duties to the custom-house, but I have never ceased to be a good citizen; and all the offenses I have committed, I was forced to by certain vices in our laws. In short, Sir, I make you the depository of the secret on which perhaps depends the tranquility of our country. Please to make such use of it as your judgment may direct. I might expatiate on this proof, but I let the fact speak for itself. Be so kind as to assist me with your judicious counsel in so weighty an affair.

I have the honor to salute you,

J. LAFITTE.

head-quarters. Soon a thousand men had rallied about him, and a town was built. Lafitte entertained all visitors in royal style. He was a handsome man, with dignified manners, one well suited to rule. His men had strict orders not to interfere with American ships; Spain being the country against which, according to their commission, they had a lawful right to wage war. Some of the seamen, failing to obey his commands, the Americans compelled them to leave Galveston forever. Lafitte died some years later in Yucatan. It is said that he buried immense treasures on Galveston Island. Many have sought, but no one has found them.

Texas Exchanged.—In 1819, the United States agreed to give up all claims to Texas, if Spain would make certain concessions concerning Florida, which the United States wished to purchase. Spain complied, and Texas was abandoned by our government; but many Americans denied the right of Congress to sell or exchange any portion of American possessions.

Long's Expedition.—Undismayed by the failure of others, in 1819, Dr. James Long led an expedition into Texas, for the purpose of making it an independent republic. It was the same old story of American rashness and Spanish treachery. Dr. Long, having surrendered under certain conditions, was thrown into prison, where he remained some time. At the request of the United States Minister to Spain, he was released. A few days later he was shot by a Mexican soldier. The reason has never been disclosed.

Closing Remarks.—The careful student will not deem the men, who were prominent during this period, mere adventurers. The Monroe Doctrine teaches that we shall allow no European nation to rule any section of North America. Belief in the wisdom of this doctrine did much toward influencing the leaders of expeditions, to enter Texas. That the Spanish government was tyrannical, and the early Mexican Republic equally so, was known to the world. The knowledge that they were striking for freedom, encouraged the filibusters to believe that their cause would succeed.

BLACKBOARD ANALYSIS.

ERA II. FILIBUSTERS. (1790-1820.)	I. CONDITION OF MEXICO.....	1. Revolution. (1809-10.)
		2. Hidalgo.
		3. Second Revolution.
		4. Republic Established. (1823.)
	II. NOLAN'S EXPEDITION. (1797.)	
	III. SPAIN VERSUS UNITED STATES.	1. Louisiana Returned to France.
		2. United States Purchases Louisiana.
		3. United States Claims Texas.
		4. Spain Claims a Portion of Louisiana.
		5. Neutral Ground.
	IV. MAGEE'S EXPEDITION	1. Three Classes of Volunteers.
		2. Besieged at Goliad. (March, 1813.)
		3. Magee Wishes to Surrender.
		4. Americans Victors.
		5. Americans Capture San Antonio. (March, 1813.)
		6. Battle of Medina. (August 18, 1813.)
	V. LAFITTE.....	1. Early Life.
		2. Home on Galveston Island.
		3. Refuses Offer from England. (1814.)
		4. Bravery at New Orleans.
	VI. LONG'S EXPEDITION. (1819.)	

ERA III.

ERA OF COLONIZATION.

(1820-1830.)

AUSTIN'S COLONY.—While the stirring events of the last epoch were happening, rumors of the wonderful soil and climate of Texas spread far and wide. Many a fugitive from the ill-fated expeditions bore the story of his adventures to distant States. It happened that numbers of these adventurers were entertained in Missouri at the hospitable home of

Moses Austin, a man of strong character and untiring energy. Being charmed by the description of the Sunny South land, he resolved to visit Texas and secure a tract of land for colonization. He could not have chosen a more favorable time. Mexico had just passed through a revolution, and the most liberal party in the Republic had triumphed; the officers were anxious to do all in their power to induce good settlers to come to Texas. In 1820, Austin arrived in San Antonio, where he laid his petition for a grant of land before Martinez (mar tee' nēth), the governor of the province. Instead of the kindness and encouragement he had hoped to receive, Governor Martinez showed him only contempt and

suspicion. His petition was thrown aside, and he was ordered to leave the province at once.

A Friend in Need.—With a heavy heart Austin left the Governor's building, not knowing what fate might befall him. Just then he happened to meet on the Plaza Baron Bastrop, an officer of importance, whose friendship Austin had won in New Orleans. To him Austin confided every thing. Bastrop proved himself a true fairy god-mother: through his influence the Governor allowed Austin to remain in San Antonio, examined his petition, approved it, and used his influence to secure the signature of General Arredondo.

Return.—Not having time to wait for General Arredondo's action, but feeling certain of success, in January, 1821, Austin set out for Missouri. A portion of the country over which he passed was scarcely more than a wilderness. He was robbed and deserted by his fellow-travelers; the weather was cold and food was scarce. It is not to be wondered that, when at last he reached home, it was only to die. A few days before his death he received news that his petition had been granted, and that he was authorized to settle three hundred families in Texas. His dying request was that his son should take up the work and carry out the plans he had so fondly cherished.

Stephen F. Austin needed no urging to undertake the task his father had left him.* He was in New Orleans

* The "Father of Texas" was born in Virginia, November 3, 1793. He was educated at New London, Conn., and Transylvania University, Ky. In 1818, he was a member of the Missouri Territorial Legislature. In 1819, he moved to

when he learned that his father had secured a grant of land. Soon after came news of his father's death and dying request. In Natchitoches (natch i-toch'es) he met the Mexican commissioner who had been sent to guide the elder Austin into Texas that he might choose his land. Learning the state of affairs, the commissioner was quite willing to acknowledge Stephen Austin's claims. Austin selected for his colony the region lying south of the San Antonio road, between the San Jacinto and Lavaca rivers. This included some of the most fertile land in the province, and was certainly the best choice he could have made.



STEPHEN F. AUSTIN.

Inducements Offered Colonists.—Returning to New Orleans, Austin advertised for colonists. To each man over twenty-one he promised, according to the Mexican Colonization Law, six hundred and forty acres of land ; if

Arkansas, where he held the position of circuit judge. His after life is so closely connected with Texas history that it needs no separate recital.

married, the man received three hundred and twenty more; each child brought the father one hundred and sixty acres, while each slave brought his master eighty acres. When a colonist built a mill or any structure of use to the public, he was given more land. Merchants and mechanics were given town lots on which they might erect their stores or shops. All immigrants were to be free from taxation for six years. Austin, as empresario, or leader of the colony, was, on the fulfillment of his contract, to settle three hundred families, to receive immense grants of land. All colonists were required to become Roman Catholics and to swear to uphold the Mexican government. With the promise of so much good fortune, many immigrants were ready to follow Austin at once.

The First Colonists.—Austin, being poor, was not able to fit out a vessel for carrying to Texas the needed tools and provisions. J. L. Hawkins, of New Orleans, his warm personal friend, came to his assistance by fitting out the schooner "Lively" with all necessary stores and placing her at his disposal. In November, 1821, the "Lively," with eighteen colonists on board, sailed for Matagorda Bay. Austin and some ten other immigrants started, on the same day, overland to Texas. Austin waited for months, expecting the "Lively" each day, but she never came, nor were any tidings ever received from her. Though much inconvenienced by this loss, Austin and his men did not despair. The few colonists who had come with him settled the fertile lands on the Brazos

and bravely began the work of changing Texas from a wilderness to the grand "Lone Star" State of our Union.*

Another misfortune befell Austin; after a short time a revolution took place in Mexico. This compelled him to go to the City of Mexico to have his contract renewed. He also wished to have a full understanding concerning his rights in controlling the colonists. No time was to be lost. Leaving the little settlement under the charge of Josiah Bell, he started for Mexico.†

Success of his Mission.—Reaching Mexico, he found the government in such a disturbed condition, he was forced to stay there over a year. Finally he succeeded in renewing his grant and obtaining an exact statement as to his powers. In 1823, he returned to Texas, and great was the rejoicing of the colonists.

Growth of the Colony.—Though the colony had grown weaker each month of Austin's absence, when he returned new life was infused into every thing. Immigrants came in great numbers. While their hardships

* The following from Mrs. Holly will give some idea of the hardships borne by the early Texas pioneers: "They were compelled to obtain their seed corn overland, and with much trouble, from Sabine or Bexar (*bā har'*). For months they were totally destitute of bread and salt. Sugar and coffee were luxuries, enjoyed only in remembrance or anticipation. Their only dependence for food was upon wild game. To range the country for buffaloes was dangerous on account of the Indians. The mustangs, or wild horses, fortunately, were abundant and fat, and it is estimated that over one hundred of them were eaten during the first two years of the colony."

† On his trip he was overtaken and robbed by the Comanches. When, however, they learned that he was an American, his property was returned and he was sent on his way unharmed.

were still many, yet from this time the colony grew steadily. Austin surveyed and laid the foundation of the town San Felipe (sā lee'pā) de Austin, on the Brazos.

Austin's Rule.—In the colony, Austin, as empresario, was in most respects absolute ruler. Seldom does a man who has unlimited power govern with such mildness as did Austin; he was well named the "Father of his colony." Never marrying, he devoted himself to each and all of his colonists; they looked upon him as a true friend. Every child loved him, for he was accustomed to take the little ones on his knee and tell them wonderful stories of his adventures. He knew how to be severe when duty demanded. Several disorderly men were banished from the colony. The settlers were much troubled by robbers. At first Austin had them captured, tied, and whipped; but this seemed only to make them worse. On one occasion, when the robbers had not only stolen horses, but had murdered the owners, Austin bade his men follow the thieves, capture the horses, but not bring back the robbers, as that would be useless trouble. This hint was enough. The colonists killed all but one, who managed to escape. They cut off the head of the ringleader and put it upon a pole by the wayside. This warning to the thieves had a most desirable effect.

Later Contracts.—Having by 1825 introduced the three hundred families called for in his contract, Austin asked permission to bring in five hundred more. In 1827, he was ready for another hundred. In 1828, he

obtained land for three hundred. Leaving his colony growing thus rapidly, it will be best to take a glance at other parts of Texas.

EDWARDS' COLONY.

The Grant.—In April, 1825, the land between the Sabine and the Navasota rivers was granted to Hayden Edwards. His contract called for eight hundred families. In October of the same year, Edwards, with his family and a number of immigrants, arrived in Nacogdoches, where they went to work with much energy and determination.

Trouble.—It happened that, scattered here and there over Edwards' land, were settlers who had come before he received his grant; these parties claimed immense tracts of land. Some of them were lazy, insolent Mexicans, while many others were criminals from the "Neutral Ground." It is easy to see what troubles necessarily followed. Edwards gave the legal six hundred and forty acres to each married man among his colonists. Many an industrious settler cleared his farm, built his cabin, and gathered about him a few domestic animals, only to come home some day and find his entire property claimed by some worthless Mexican, who said the land had been his for years. Edwards appealed to the Mexican officers, but they always decided in favor of their countrymen, let their cause be ever so unjust. In the midst of all this, Edwards was forced to go to the United States to

arrange for bringing more families to his colony. His brother, Benjamin Edwards, was left in charge of the settlement. As the trouble grew worse, Benjamin Edwards, acting on Austin's advice, wrote a full account of the state of affairs to Blanco, the Governor of the State. This letter breathed in every word a love for liberty and hatred for injustice, yet it was by no means insolent. Imagine Edwards' surprise to receive an answer containing, among other unpleasant remarks, the following startling order: "I have decreed the annulment of Hayden Edwards' contract and his expulsion from the Mexican Republic. He has lost the confidence of the government, which is suspicious of his fidelity; besides, it is not prudent to admit those who begin by dictating laws as sovereigns. You will evacuate the country, both yourself and Hayden Edwards."

Fredonian Rebellion.—Edwards had spent thousands of dollars on his colony, and did not feel like losing such an amount. So soon as the news spread that his contract was annulled, Mexicans from all around the country rushed in to claim the homes and farms of the Americans. Driven to desperation, Edwards and several of his colonists banded themselves together as Fredonians, and resolved to fight for the liberties that had been promised them.* The Indians promised to help the

* The commander of the Fredonian soldiers was Martin Parmer, an eccentric hero, of whom some odd stories are told. Before coming into Texas, he lived in Northern Missouri, fifty miles from civilization. He owned a bear dog, for which he gave \$50. This dog kept him supplied with such a quantity of meat, that the Indians came to him from far and near to get food, which he generously

Fredonians, but were bought over by the Mexicans. After a skirmish or two, a large body of Mexicans advanced upon the little band of rebels. Overpowered by the strength of the enemy, the Fredonians at once retired across the Sabine. Through Austin's influence, the Mexicans treated the colonists who remained with some justice. Edwards' grant was divided between David G. Burnet and Joseph Vehlein. The unjust treatment of Edwards was a mere forerunner of the host of tyrannical deeds that finally caused Texas to rise in her youthful vigor, and throw off the Mexican yoke.

TEXAS AS A WHOLE.

Population.—During this period, some twenty empresarios took out grants of land.* The majority did not succeed in filling their contracts, yet something was done in each case. In 1823, San Antonio contained five thousand inhabitants, yet the Comanche Indians often rode in and took possession of the town. The year 1825

gave away. One day, he received a visit from a noted Indian warrior called "Two Hearts." He won this name from killing a white man, and then eating his heart! Parmer welcomed Two Hearts, spread before him a tremendous supper of meat, and bade him help himself. When the Indian had eaten enough, he was about leaving, but Parmer, drawing his knife on him, made him continue to eat. Poor Two Hearts ate, and ate, and ate until it killed him; a novel way to execute a criminal! When the bear dog died, Parmer sent fifty miles for a minister to come preach his funeral. The preacher, thinking some member of the family was dead, traveled the fifty miles, reached the house after the body was buried, and actually preached an eloquent sermon on the deceased.

* Among these empresarios were Green Dewitt, Benjamin R. Milam, Robert Leftrich, Sterling G. Robertson, Joseph Vehlein, David G. Burnet, James Powers, and Don Martin de Leon.

has been called the year of immigration; for, from that time, many families came separately to settle, and received their lands directly from the government. Texas was dotted with American colonies; these began to unite their forces, preparing for the great struggle that was approaching.

Government.—Texas had been a separate State of the Mexican Republic, but in 1824 she was united to the State of Coahuila (cō a wee'la); the capital was changed from San Antonio to Saltillo (sāl teel'yo). As this caused the Governor to live such a distance from Texas, a Chief of the Department of Texas was appointed. This whole plan was unpleasant to the Texans. They were promised, however, that so soon as Texas reached a certain population, she should again become a separate State. The State officers were never elected by the people, while the town authorities were. On the grants of land, the empresarios had, as in Austin's case, almost unlimited power.

The Indians caused the colonists so much trouble, that a hundred volunteers were called for from Austin's colony to attack them. The little army found the village of two troublesome tribes, and were on the point of attacking it, when the scouts of the savages saw the whites, and gave the alarm. The braves leaped on their mustangs, and were off like a flash. The colonists captured the village, squaws, and children; the latter were treated kindly, and soon released; nor were the wigwams of the Indians burned. Whether this heaping of coals of

fire on their heads did any good, history fails to state. The whites pursued the Indian warriors, but killed only



EARLY MORNING ATTACK BY INDIANS.

one; they took a number of horses and buffalo robes, besides destroying all the ammunition they could find.*

Growth.—Up to the close of this period,*the colonists increased; in 1830, there were twenty thousand Americans in Texas.

* On their return trip to the settlement, the colonists suffered much for food, as the Indians had frightened away all the game. For days, the soldiers had nothing to eat save persimmons and acorns. A young Englishman of the party, not knowing any better, ate the persimmons, green or ripe, just as he pulled them from the tree. Finding that he could not speak, and that his mouth would not come untwisted, he thought he was poisoned.

MANNERS AND CUSTOMS.

TEXAS, November 5, 1830.

DEAR FRIEND :—Your letter came a month since. I am sure you can not imagine with what joy it was read ; you, who receive your mail twice a week, know nothing of the hunger we suffer for news from relatives, friends, and the great world. If the mail reaches us once a month, we consider ourselves fortunate. But, after all, there is a silver lining to this dark cloud, for when letters and papers do arrive, we enjoy them a thousand times more than we did in Virginia. Dear old Virginia ! I love to even write the name, it brings back so many pleasant memories.

But now to answer your numerous questions concerning our Texas home. When we reached here, for some weeks we camped out, or tented, as it is called, for Mr. Ray had so much to do in looking over the country, that he had no time for building. Early one morning, however, the negroes—we had brought ten with us—were set to work, and in a few days I was mistress of a mansion. It was a log house, with two large rooms and a broad hall between ; it was considered the palace of the surrounding country. I never remember experiencing a greater thrill of pride than when I stepped into my log castle. Doors were unheard-of luxuries, so I hung gay quilts across the openings where the doors ought to be. A bed and table were my only pieces of furniture, as all our goods shipped from New Orleans were lost. Trunks did for chairs. You may wonder why we do not buy furniture, but when I tell you the nearest town is seventy-five miles away, and that there you must have every thing made, you will not be surprised at our condition.

Never, my dear Florence, did I see true hospitality until I came here. Why, at every house, be it ever so humble, you are a welcome guest ; they ask you to have coffee or, if it be meal-time, to share their food. The coffee-pot is always kept filled with coffee. I'd like to see you take a drink of it. The average Texan scorns cream and sugar ; he wants his coffee as strong and black as possible. I have learned to drink it bitter, for since our sugar gave out we have not been able to get more.

As you are curious to know what we find to eat, I'll enter into particulars. When we came here game was scarce for several months on account of a drought. We engaged an Indian, whose sole duty was to supply us with meat, and, as he knows all the surrounding country, he has kept us stocked with venison, game, and bird-eggs. We could do without him now, for the woods are full of birds and prairie chickens, but we have become so much attached to him that we won't give him up. For bread we have not fared so well. Our flour was shipped, but never reached us. We have had enough corn bread most of the time, and have no fear for the future. Did you ever do without salt for a week? That is the experience we had, and in Austin's colony they went without for much longer. You can not imagine how necessary it is to your comfort till you are deprived of it. Dear me! it makes me shudder to think how tasteless every thing was.

Our hunter brings us plenty of honey, which he gets from the "honey-trees," so called because the bees are fond of depositing their honey in that kind of a tree. Many of the hunters will not be bothered gathering the honey, as they wish the wax to sell to the Mexicans. You know the Mexicans are all Catholics, hence they consume great quantities of the wax in making candles for their churches. By the way, speaking of honey reminds me of a curious fact our hunter told me about bees. He says bees never come to a country except when the pale-faces are to follow. Whenever the honey becomes plentiful the wise Indian moves away, for he feels sure the Great Spirit has sent him this warning that the whites are coming.

About a week after we came here our nearest neighbor, *only* thirty miles away, sent us some butter, eggs, and chickens, with the request for coffee in exchange. I was only too willing, as I was anxious for poultry. This system of trade is rather common. If any one would come here with a large supply of coffee and sugar, he could buy up almost every thing in the country.

We now have an abundance of butter and milk, while my fowls are as fine as any you have.

All settlers in Texas have not been so fortunate as we have. The

following pitiful account was given me by Mr. Dewees, who has written a series of interesting letters on Texas: "Our sufferings have been great for want of provisions. On account of the dry weather our crops were poor, and are now entirely spent; the game has left this section of the country. There have many new settlers come on this fall, and those who have not been accustomed to hunting in the woods for a support must suffer. A party of men is obliged to go out each morning to hunt food, leaving some men at home to guard the women and children from the Indians, who are very hostile. Game is now so scarce that we often hunt all day for a deer or turkey, and return at night empty-handed. It would make your heart ache to see the poor little half-naked children, who have eaten nothing during the day, watch for the return of the hunters at night. As soon as they catch the first glimpse of them, they run to meet them. If the hunters return with a deer or turkey, the children are almost wild with delight; if the hunters are empty-handed, the children stop in their course, their countenances fall, the tears well up in their eyes and roll down their pale cheeks."

The dress of the people varies according to the length of time they have been in Texas. Acting on my mother's advice, I brought clothes enough to last us several years; others have done the same, but the great majority brought scanty wardrobes. The question of buying dry goods here is a serious one. Calico costs seventy-five cents per yard! As money is scarce with us all, a lady seldom has more than one Texas calico dress. Men and women sometimes dress in skins.

The society is just what you might expect from the mixture of people we have here. Last Sunday we paid a long-promised visit to Mr. V. and family; he was a classmate of my husband at Yale. They are living in a shed built under a cluster of trees, as their log house is not yet finished. There were no windows, but the light had plenty of room to come in at the cracks. In that one little room were four beds—as white and inviting looking as any in Richmond—china, glass-ware, a few pieces of silver, and several books. All was as neat as wax. Mrs. V. was dressed in a neat linen wrapper and a lace cap, while Mr. V. was also in faultless attire. Now, that is one side of the picture; here is the other. The next day we had occasion

to stop for dinner at Mr. K.'s. He and his wife were dressed in skins. The cabin was dirty; the rickety old bed was still dirtier; the bill of fare consisted of fried bacon, black coffee, and corn bread. The host took Mr. R. aside and asked him: "Say, stranger, what was your name afore you came down here? and what did you do to make you come?" Mr. Ray answered: "I came for health, and my name was as it is now, Henry Ray." It was easy to see that our friend did not believe the statement. He left Georgia five years ago for stealing horses.

Of our educational advantages I can not boast. Mexico has recently passed two laws, one that a school shall be established in each division of each State; the other that the children shall be taught reading, writing, arithmetic, Roman Catholic religion, and the catechism of *all the arts and sciences!* These laws amount to nothing. We really have no public system of education. Mr. Poinsett has written an account of his visit to a school in Mexico. He says: "I have just returned from visiting a school, and have been much amused at the appearance of the pedagogue. In a large room furnished with two or three cowhides spread on the floor, and half a dozen benches, were ten or twelve urchins, all repeating their lessons as loudly as they could bawl. The master was stalking about the room, with a ferule in his hand, and dressed in a most grotesque manner. He had an old manta wrapped about his waist, from under which there appeared the ends of tattered leather breeches, hanging over his naked legs; sandals were bound around his ankles; a leather jerkin, the sleeves worn off, and a dirty handkerchief twisted round his head, above which his shaggy hair stood erect, completed his dress. He seemed perfectly unconscious of his uncouth appearance, but received me courteously, dismissed his scholars immediately, and entered upon a conversation. He told me he was born in that house, and had never wandered beyond that village. Several of the country people came in while we were talking, and treated the pedagogue with great respect." A few private schools exist. As the country becomes more thickly settled, these will increase.

How often do we attend church? Don't be too shocked when I tell you we heard our last sermon in Virginia. No ministers are

allowed here except Catholic priests, as we are all required to promise to maintain the Catholic religion. Many of the Americans do not pay the least attention to the promise. If we wanted to go to church ever so much, we could find in this part of Texas no church and no minister. I have heard that in other portions of Texas a few preachers, in spite of the laws, do live and hold meetings. We have not even a Roman Catholic church anywhere near us. Sunday is spent by most Texans in hunting, fishing, and breaking wild horses. All elections are held on Sunday. Some of us, however, observe the Sabbath, and try to live as if we were still in Virginia.

* * * * *

My letter has been delayed, as the boat we expected did not come. I am not sorry, as it gives me a chance to tell you of a ball we attended last week. It was given in honor of a young bride, Mrs. T., whose husband owns large tracts of lands. She was a New Orleans belle. The guests came from miles around the country. The bride was as pretty as a picture; she was dressed in pink silk trimmed with exquisite lace; her diamonds were superb. All the ladies were out in their best dresses. 'Twas a merry crowd. What difference did it make to us if we didn't have smooth floors, fine music, or brilliant lights? We were happy. The entire evening I found myself asking, "Can this be Texas?" If you could have looked round upon the bright faces and pretty dresses, or if you had heard the sparkling conversation, you'd have wondered too. However, ere midnight we had a taste of Texas. In the midst of the "Old Virginia Reel" a piercing shriek was heard. "The Indians!" was the cry that burst from each and all. In a second the gentlemen had dropped the hands of their fair partners and seized their rifles, which are always kept near. Out they rushed, under the lead of our host, Captain Y. While no attack had been expected that night, yet Captain Y. had placed four of his servants to keep watch. They could not resist the temptation of occasionally coming near enough the house to see the dancing. On returning to their post, one of them fell, pierced by an arrow; his dying scream was the alarm of the approach of the savages. I could not but admire the courage of young Mrs. Y. While some of the ladies were crying and wringing their hands, she

coolly placed in her sash the pistol her husband had given her on leaving, and then advised us to sit where we would not be exposed to arrows or bullets shot through the windows. In half an hour the worst was over. The savages, being disappointed at not taking us by surprise and finding their men falling fast, retreated. Only two of the gentlemen were wounded, nor were the wounds severe. You may rest assured, however, that we did not sleep much that night, nor did we go home for two days, as the Indians were skulking near to waylay us.

Hoping you may make up your mind to make us a visit, and with much love to all my friends,

I am, ever yours,

J. C. R.

NOTE.—The following extract, written by a teacher who came to Texas in 1828, is taken from the "Texas Scrap-Book":

"I would here correct one erroneous impression in relation to the character of the early settlers of Texas. Many believe they were rude and ignorant, with many vices and few virtues, and for the most part refugees from justice and enemies to law and order. That there were some rude and illiterate people among them is no more than may be said of almost any society, and that some were vicious and depraved is equally true, but what there was of evil you saw on the surface, for there was no effort at concealment and no reason to act a borrowed part. Assassins, if there were any, appeared as such; now they often appear in the guise of gentlemen, that they may conceal their true characters and accomplish their object. No one estimates more highly than the writer, the intelligence, enterprise, and virtue of the present population, and yet he fully believes there were in the early history of Texas more college-bred men, in proportion to the population, than now, and as much intelligence, good common sense, and moral and religious culture among the females as among the ladies of the present day. Many had moved in the higher circles of our large cities, and some had filled stations of honor and responsibility. Some were incited to emigrate by a spirit of enterprise and romance, and some, having been unfortunate in their pecuniary enterprises, sought to improve their circumstances in a new country, and not a few were the votaries of health who, unable to endure longer the rigors of a cold climate, sought relief in the sunny climes of the South."

BLACKBOARD ANALYSIS.

ERA III. COLONIZATION. (1820-1830.)

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| I. MOSES AUSTIN..... | { 1. Resolves to Settle in Texas.
2. Trip to San Antonio. (1820.)
3. Reception and Harsh Treatment.
4. Baron Bastrop Secures Grant of Land for Him.
5. Death and Dying Request. |
| II. STEPHEN F. AUSTIN. | { 1. Early Life and Character.
2. Choice of Land.
3. Inducements Offered Colonists.
4. Settlement Made. (1821.)
5. Hardships of Colonists.
6. Growth of Colony.
7. Government of Colony. |
| III. EDWARDS' GRANT ... | { 1. Location of Grant. (1825.)
2. Growth.
3. Fredonian Troubles. |
| IV. OTHER EMPRESARIOS. | { 1. Dewitt.
2. Milam.
3. Leftrich.
4. Robertson.
5. Vehlein.
6. Burnet.
7. Powers. |
| V. UNION OF TEXAS AND COAHUILA. (1824.) | |
| VI. CONDITION OF TEXAS IN 1830. | |

ERA IV.

ERA OF REVOLUTION.

(1830-1836.)

INTRODUCTION.—From 1830 to the battle of Goliad, Texas may be compared to a volcano preparing for eruption. Flames of wrath would suddenly burst forth, lighting the skies with an angry blaze, then all would fade, till there seemed naught but the golden clouds of a peaceful sunset. The murmurs of the people often swelled into such a tempest, that the very earth trembled; then all was hushed.

REMOTE CAUSES OF THE REVOLUTION.

(1.) **Treatment of Americans**—While Bustamente was President, laws were passed (1830) forbidding Americans settling in Texas. Other nations were heartily welcomed, but for the United States, whose inhabitants had changed Texas from a wilderness into a civilized State, Mexico had nothing but fear and hatred. Americans were not permitted to trade in Texas. This gave the Mexicans an opportunity of fixing their own prices on all goods sold. As many of the Texans had friends and relatives in the

United States whom they wished to have with them, the law prohibiting immigration was not obeyed. This caused constant trouble.

(2.) **Settlement of Convicts.**—Mexico ordered that a certain number of convicts should be sent to Texas to found colonies. Nothing would have more quickly and more certainly destroyed the prosperity of Texas. It is then not to be wondered that our forefathers grew indignant.

(3.) **Custom-houses.**—The Texans had been free from all taxes. Now custom-houses were established, and enormous duties charged.

(4.) **Martial Law.**—On the slightest pretext, the Mexican officers declared the country under martial law. Innocent men were arrested and imprisoned without knowing the crime with which they were charged. To obtain a fair trial was impossible. Mexican troops were placed at various points, and the Texans were forced to support them. In spite of the presence of so many soldiers, the Texans suffered much from the Indians. To feed and clothe troops, and then be compelled to do their own fighting, was more than the Texans felt disposed to do.

(5.) **Blockade.**—When the Texans dared complain of their wrongs, they were punished by having all their ports closed except Anahuac (än ä wäk'). This harbor was so situated that only small vessels could enter, hence this action really amounted to a blockade.

(6.) **Union with Coahuila** (eō a wee' la).—It was shown in the last era that Texas was no longer a separate State

of the Mexican Republic, but had been joined to Coahuila. The Texans were promised that this union should only last till their State had a certain number of inhabitants. That time had now come, but Mexico paid notice to neither her promise nor the requests of the Texans.

Defense of Mexico.—The students of history must examine both sides of each important question to be able to form an impartial opinion. What caused Mexico to pursue such a course toward Texas? This is a question that must present itself to every thoughtful reader. The following is the most charitable construction to be placed upon her actions: The United States had never been satisfied to see Texas belong to Mexico. She had tried to buy Texas, but Mexico always refused to sell. Mexico being constantly in the throes of revolutions, was conscious of her own weakness; she feared if the Americans continued to settle in Texas, they might rebel, and with the help of their country, throw off the Mexican yoke. Hence she resolved to keep out other Americans, and to thoroughly crush the spirit of those who were already within her boundaries. Looking at the matter as one may, no humane person can find justice in Mexico's rule of Texas. That she was vastly mistaken in the nature of the men she wished to crush is shown by the events of the next few years.

Santa Anna was at this time playing the part of patriot. He took up the cause of the common people, declared himself opposed to the Church party, avowed his unceasing love for the republic, and his willingness

to die in its defense. He conquered all opponents; he won the love of the masses by promising them more liberty. The Texans were deceived by his pledges, and took up arms in his support. In 1833, Santa Anna was elected President of the Mexican Republic. At his inauguration, when the people crowded about, eager to show him all honor, he made many fair promises which he made haste to break.

Convention at San Felipe (fā lee'pā).—The Texans now resolved to make a strong appeal to the government for separation from Coahuila. In March and April, 1833, a convention of delegates from various parts of the State met at San Felipe. Among these were men whose names were soon to be written upon the hearts of their countrymen, such as Stephen F. Austin, Sam Houston,* David G. Burnet, Branch T. Archer, and J. B. Miller.

* Sam Houston was born in Virginia, March 2, 1793. In 1810, his father died, and his mother moved her family to Tennessee, which was then on the border of civilization. Here he went to school, and worked on a farm. It happened one day that he found a translation of Homer's *Iliad*, read it, and became charmed. He asked his teacher to allow him to study Latin, but his request was refused. In a passion, he turned, and exclaiming, "I'll never recite another lesson as long as I live," left the school-room. His older brother put him in a store as clerk. He hated this life, and vowed he would die if forced to remain. He soon disappeared. Search was made, and he was at last found among the Cherokee Indians. In answer to the appeals of his brothers to return home, he replied: "I'd rather measure deer tracks than tape. Here I can have peace to read Homer, Virgil, and Demosthenes; so go off and let me alone." He remained with the savages till his clothes were worn to shreds. Going home, he stayed with his mother some time; but at the least show of tyranny from his brothers, he was off to the Indians. It is said that he could repeat the whole of Pope's translation of the *Iliad*. After a few years, he surprised every one by announcing his intention of opening a school! Sam Houston as a teacher! the people opened their eyes. However, he made a success of his undertaking, had more pupils

The Constitution.—A committee appointed by this convention drew up a constitution for Texas. This document granted trial by jury, writs of habeas corpus, freedom of the press, the right to petition, and direct suffrage. It said nothing of religious liberty, as the Texan leaders well knew Mexico would grant nothing in that line.

The Memorial.—A second committee, with David G. Burnet as chairman, prepared a memorial to the Mexican government, showing why Texas should be separated from Coahuila. The following reasons were given: 1. Coahuila and Texas differed in soil, climate, productions, interests, and population; hence laws suitable for one would be injurious to the other. 2. The wilderness between the two States kept Texas from receiving prompt aid from the large bands of soldiers who were stationed at the capital; if Texas were a separate State, she could have her own

than he wanted, and raised the tuition from \$6 to \$8 per year! In a battle fought with the Creek Indians in 1813, he showed such bravery, that he won the lasting friendship of Andrew Jackson. At the age of twenty-four, he began to study law. After holding many minor offices, he was, in 1823 and 1825, elected to Congress. At the close of his second term, he was elected Governor of Tennessee. In January, 1829, he married a lovely and charming young girl; but in April, the bride went to her father's, and returned no more beneath her husband's roof. The people were surprised and amazed, but no explanation was ever given. The cause of the separation is still a mystery. He was abused in the most bitter terms by many of the Tennessee papers. Public feeling was strong on both sides. He resigned, gave up all the charms of civilized life, and sought refuge among the Cherokees, the friends of his boyhood. Years before he had been adopted by the chief of the tribe. On his arrival at the village, he was warmly welcomed, and invited to take part in all their councils. With the exception of some months spent in Washington, where he went to reveal to President Jackson the terrible wrongs of the Indians, Houston remained among the Red Men three years. Fate then directed him to Texas, where he at once took his place among her leaders,

troops. 3. The laws that governed Texas were in a foreign language. 4. The courts and officers were six hundred miles distant; hence months and sometimes years passed before a trial could be obtained.*

Commissioners.—Stephen F. Austin, W. H. Wharton, and J. B. Miller were appointed commissioners to carry the memorial to Mexico and press the claims of Texas. Austin alone went.

Austin's Imprisonment.—When, in the spring of 1833, Austin reached the capital, he found that city, as usual, disturbed by a revolution. He stated his cause, but was told that the President and his officers had more important subjects to consider. Texas must bide her time. After months of weary waiting, Austin, in despair, wrote his people (October 2, 1833) to form themselves in a separate State without Mexico's consent, for Texas had no chance of obtaining any thing from the Mexican officials.

* The following short extract will show the style and spirit of the Memorial. Speaking of the condition of Texas, it reads: "Bexar is still exposed to the depredation of her ancient enemies, the insolent, vindictive, faithless Comanches. Her citizens are still massacred, their cattle destroyed or driven away, and their very habitations threatened. Her schools are neglected, her churches desolate; the sounds of human industry are almost hushed, and the voice of gladness and festivity turned into lamentations by the disheartening evils which surround her defenseless population. . . . We believe if Texas were admitted to the Union as a separate State, she would soon figure as a brilliant star in the Mexican constellation, and would shed a new splendor around the illustrious city of Montezuma. . . . England never aspired to the "dominion of the seas," until she had united the hardiness of Scotland and the gallantry of Ireland to her native prowess. And Mexico may yet realize the period when the descendants of the Montezumas will rejoice that their coalition with the successors of Fernando Cortes has been strengthened by the adoption into their national family of a people drawn by their own gratuitous hospitality from the land of Washington and freedom."

In December he started home. His letter was seized and read by an officer, who, thinking it treasonable, sent it to President Farias.*

When Austin reached Saltillo (sāl teel'yō), he was arrested as a traitor and taken back to Mexico, where he was kept a prisoner for nineteen months. Fifteen months of that time he was kept in solitary confinement, not allowed even writing materials. He asked again and again for a trial, but in vain.†

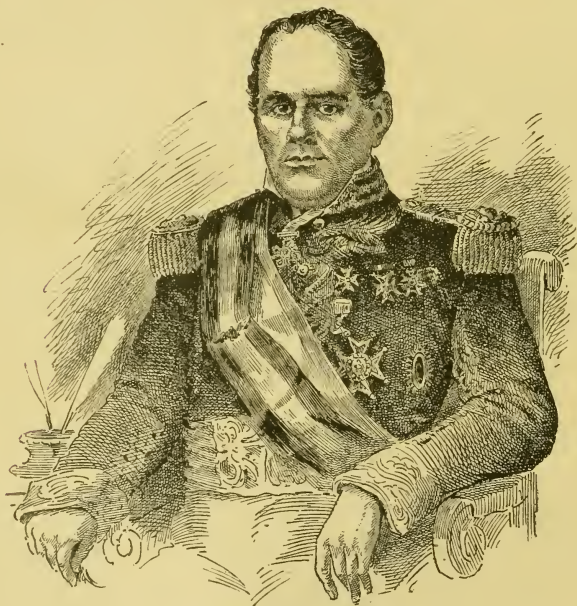
Santa Anna and Austin.—In May, 1834, Santa Anna re-assumed his duties as President, and in October called a council to hear Austin's plea for Texas. Austin's earnest eloquence won from the President promises to repeal the decree forbidding Americans to emigrate to Texas, to establish a regular mail system, and to station four thousand soldiers at Bexar (bā har') for the protection of the country. With these favors Texas, he said, must be content, nor should she dare even dream of separation from Coahuila until Mexico desired. Austin was still kept

* Santa Anna had for the time turned over the government to his Vice-President, Farias, and was devoting himself to forming schemes for making himself absolute ruler.

† Dewers, one of Austin's colonists, writes: "We have been considering how we might liberate Austin. We decided at one time to send two or three men to Mexico, with a petition for his release; if we failed in this way, we thought we would send on an armed force and release him in that way. We are determined to free him if at the risk of our lives. Austin is bound to us by many and strong ties, and we can not bear that he should suffer. He is our empresario, the one who settled us here, a friend to whom we have looked for counsel in war and peace. He has cared for us as a father cares for his children; he has endured with us trials and hardships. We are determined he shall be free." The cooler heads among the colonists persuaded the Texans to take no step toward freeing Austin, till they heard from him.

a prisoner; why, no one could tell, though many inquiries were made by his anxious friends in Texas.

Santa Anna's Schemes.—For some time Santa Anna had been planning to throw off his mask of devotion to his country and claim unlimited power. Early in 1834, he saw he could bring both the Church and the army to



PRESIDENT SANTA ANNA.

his support; though he had a short time before been the open enemy of the Church, he now became an earnest friend. A revolution ensued. Santa Anna was successful; he became in a measure absolute ruler of Mexico.

Being keen enough to see that Texas was settled by a superior class of men, and wishing to have them on his side, he called the council mentioned in the last topic. It is supposed that he held Austin as a hostage for the good behavior of the Texans. During 1835, he continued the work that was to destroy the free Republic of Mexico. He had a Congress elected that had no will but his own. Under his orders it commanded the Legislatures of various Mexican States to dissolve. Most of the States obeyed. When one resisted, Santa Anna hurled upon the inhabitants his cruel soldiers, who killed, burned, and plundered to their hearts' content.

IMMEDIATE CAUSE OF TEXAS REVOLUTION.

Hearing that Texas was not disposed to yield to his power, Santa Anna decided to crush this dangerous spirit of revolution. His first attempt to carry out these plans proved to be the spark that was needed to set ablaze the smoldering fires of the Texas Revolution.

THE YEAR 1835.

Committees of Safety.—Early in this year, the colonists held meetings and appointed Committees of Safety, that were to take charge of public matters and keep the different sections of the State informed as to what was going on. They also declared themselves in favor of a separation from Coahuila, with or without Mexico's consent. They made arrangements for a general consultation of

delegates sent from all parts of Texas. They did not, however, renounce their allegiance to Mexico; they only demanded justice at her hands.

General Cos.—In September, Santa Anna sent into Texas some four hundred additional troops, under command of General Cos. The general and his men took every occasion to proclaim their mission in the following terms: "General Cos, with his troops, intends to overrun Texas, establish custom-houses and detachments of his army where he thinks proper, to disarm the people, drive out all Americans who have come to Texas since 1830, and to punish those who have insulted the supreme government of Mexico and refused obedience to its laws." The Texans made a solemn vow that, with God's help, General Cos should find that American freemen would never submit to such tyranny.

Austin's Return.—About this time, Austin, having been released, returned to his home, after an absence of more than two years. His reception was such as to have touched the coldest heart. Old friends gathered about him; tears and sobs mingled with the smiles of welcome. Austin was deeply moved. All turned to him for advice. He approved their Committees of Safety and the plan for a general consultation.* Up to this date the Texans had

* In a speech made to a large crowd that had come to welcome him, Austin said: "My friends, I can truly say that no one has been, or is now, more anxious than myself to keep trouble away from this country. No one has been, or is now, more faithful to his duty as a Mexican citizen. But how can I, or any one, remain indifferent when our rights, our all appear to be in jeopardy? It is impossible. The crisis is such, that something must be done, and that without

been divided as to war or submission, but with Austin's influence at work, it was decided that at the first attempt of the Mexicans to disarm the colonists, every Texan should rise in arms.

Battle of Gonzales.—There was at Gonzales a small brass cannon that had been given the Texans to protect the town from the Indians. The Mexican commander sent a messenger demanding its surrender. The Texans refused. General Castenado was ordered to advance with one hundred and sixty men against Gonzales. He was to command the alcalde to give up the cannon; if the officer did not obey, force was to be used. When General Castenado reached the banks of the Guadalupe, just opposite the town, he found all the ferry-boats had been taken to the other side. To cross his men was dangerous, for a company of armed Texans was keeping guard over the ferry. The colonists had only eighteen men at Gonzales. Hence, when the messenger came to the alcalde demanding the cannon, they sent word that the alcalde was absent and they could give no answer till his return. This was September 29. Couriers were at once sent through the country to give the alarm. As in 1775 the brave Minute Men left their plows, shouldered their muskets, and hastened to Lexington, so now the colonists came to Gonzales. After deceiving the Mexicans three days as to

delay. What are we to do? Let all personalities, or division, or excitements, or passions, or violence, be banished from among us. Let a general consultation of the people be called as speedily as possible, and let them decide what representation ought to be made to the general government, and what ought to be done in the future."

the alcalde, word was sent that he had returned, but would not give up the cannon. Castenado replied: "I have come for the cannon, and will not return without it." Two days passed, however, and he made no attack.* A council of war was held, October 1, and it was decided to attack the Mexicans the next morning at day-break. In the dead of night, the little army of patriots, now numbering one hundred and sixty, crossed the river and silently prepared for battle. The Mexicans were encamped upon a high mound, and had every advantage as to position.†

At dawn, Colonel Moore ordered the Mexicans to surrender. They refused. "Fire!" shouted Colonel Moore. The Texans made a furious charge, at which the Mexicans turned and fled. Our men were left in possession of the field, and of some booty. Not a Texan was injured, while the Mexicans lost several killed and wounded.

* During this time the Texans drew the cannon in full view of the enemy and placed upon it in large letters: "Come and take it!"

† Just before the battle, Rev. W. P. Smith addressed the soldiers as follows: "Mexico has now sent an army to commence the disarming system. Give up this cannon and we may surrender our small arms also, and at once be the vassals of the most unstable and most imbecile government upon earth. Will Texas give up her arms? Every response is *No, never*. Never will she submit to such degradation. Fellow-soldiers, the cause for which we are contending is just, honorable, glorious—our liberty. The same blood that animated the hearts of our ancestors of 1776 still flows warm in our veins. Let us present a bold front to the enemy. In numerical strength the nation against which we contend is our superior, but so just and holy is the cause for which we contend, that the strong arm of Jehovah will lead us on to victory, to glory, and to empire. With us every thing is at stake—our firesides, our wives, our children, and our country. We must conquer!"

Effects of the Battle.—The whole country was aroused. Men who had up to this time showed little interest in public affairs, awoke to the importance of decided action. Houston was made commander of all forces to be raised in Eastern Texas. Austin was chosen commander-in-chief of the volunteer troops. Encouraged by the victory at Gonzales, a small company of Texans attacked and captured Goliad. They gained several prisoners, \$10,000 in money, and a supply of fire-arms. An appeal for aid was made to the United States. So great was the admiration of the people of New Orleans for the courage and patriotism of the Texans, that they at once raised two companies to send to Austin.

Battle of Conception.—Having decided to attempt to take San Antonio from the Mexicans, Austin moved with his little army to within nine miles of the city.* Austin sent Colonel James Bowie and Captain J. W. Fannin with ninety-two men to find a place for encamping still nearer the city. The officers decided on the Mission of the Immaculate Conception, which is about one and a half miles from San Antonio. At a bend in the river, some five hundred yards from the Mission, the Texans halted for the night. A strong guard was placed and our men lay down to rest, with their arms at their sides. Soon after day-break (October 28) the Texans were aroused by

* Being of a peace-loving disposition, Austin sent to General Cos, who had charge of the troops in San Antonio, to see if a compromise could not be arranged. "I shall never treat with the ungrateful Texans save as rebels," was the haughty response sent by Cos. Of course this ended all hopes of peace.

rapid firing. Every man sprung to his feet, grasped his rifle, and peered through the fog that hung heavily around them, to see the location of the enemy. As soon as it grew lighter, they saw they were nearly surrounded by the Mexicans. Their position, moreover, was an unfavorable one, as their camp was on the river bottom, which was six feet lower than the prairie, on which the Mexicans were drawn up. The infantry and cavalry of the enemy advanced; at the order they poured forth a terrible volley of balls. Fortunately they were too far off to damage our men. The Texans fired more slowly, but each one picked his man so surely that the Mexicans fell rapidly. The Mexican commander ordered a cannon to be turned upon "the rebels." No sooner did a gunner approach to fire it than a bullet aimed by some steady-handed Texan pierced his brain. The officers bade the cavalry charge, but our heroes repelled them. Being made wildly jubilant by their success, the Texans now cried: "The cannon! The cannon!" and rushed forward to take it. The enemy fled before this fiery attack; the cannon was captured and turned upon the Mexicans; the field was left entirely to the Texans. Thus, in an actual engagement of only thirty minutes, ninety-four Texan farmers conquered four hundred Mexican soldiers. The former had only their muskets and pistols, while the latter had every thing in the way of arms, besides the cannon; but the former were freemen fighting for their liberty, while the latter were little better than slaves fighting under the lash.

Results.—The Mexican loss was about sixty killed and

a larger number wounded.* The Texans had one killed, the gallant Richard Andrews, and one wounded.†

The victory won in this, the first regular battle of the revolution, greatly encouraged the Texans and made them confident that God was with their cause.

General Consultation.—On November 3, a General Consultation‡ was held at San Felipe.§ A temporary government was formed. Henry Smith was elected Governor and J. W. Robertson, Lieutenant-governor. A council was appointed to help the Governor in all public matters. Sam Houston was made commander-in-chief of the army. Branch T. Archer, William A. Wharton, and Stephen F. Austin were chosen to appeal to the United States for aid.||

No Declaration of Independence.—While many members of the Consultation wished to at once cut loose from Mexico and declare Texas independent, the wise leaders

* The Mexicans fled in such haste that their dead and wounded were left on the battle-field. At noon that day, a priest was sent out from San Antonio to ask permission to bury the dead. The Texans at once granted the request.

† Andrews was mortally wounded early in the battle, but, turning to his nearest comrades, he said: "I'm a dead man, but don't let the other boys know it. Tell them to conquer or die."

‡ The name Consultation was used instead of Convention upon Austin's advice, as the Mexicans had come to think all conventions treasonable bodies.

§ There were delegates from the following places: Bevil, San Augustine, Nacogdoches, Columbia, Austin, Liberty, Harrisburg, Matagorda, Mina, Washington, Gonzales, Viesca, and Tenehaw.

|| This convention was held in a rude log-house, that was neither ceiled nor plastered. The costumes of the men were not made after Parisian models. Houston still wore his Indian dress. President Jackson is reported to have said: "I thank God there is one man of my acquaintance (meaning Houston) who is not made by the tailor." Had Jackson been present at that consultation, he would have seen several others of the same class.

saw this would be a mistake. Texas needed the sympathy and assistance of the outside world. She could most surely gain these by showing that she was only striving for justice.*

The Texan Army.—After the battle of Conception it was decided to lay siege to San Antonio. The soldiers,

* Perhaps nothing will better exhibit the spirit of the men who formed the Consultation than the following Declaration, which they adopted :

"**PREAMBLE.**—*Whereas*, General Antonio Lopez de Santa Anna, and other military chieftains, have by force of arms overthrown the Federal institutions of Mexico, and have dissolved the social compact which existed between Texas and other members of the Mexican Confederacy: Now the good people of Texas, availing themselves of their natural rights, Do SOLEMNLY DECLARE—

"*First*. That they have taken up arms in defense of their rights and liberties, which are threatened by encroachments of military despots; and in defense of the Republican principles of the Federal Constitution of Mexico of 1824.

"*Second*. That Texas is no longer morally or civilly bound by the compact of union, yet stimulated by the generosity and sympathy common to a free people, they offer their support and assistance to such members of the Mexican Confederacy as will take up arms against military despotism.

"*Third*. They do not acknowledge that the present authorities of the nominal Mexican Republic have the right to govern within the limits of Texas.

"*Fourth*. They will not cease to carry on war against the said authorities while their troops are within the limits of Texas.

"*Fifth*. They hold it to be their right during the disorganization of the Federal system, and the reign of despotism, to withdraw from the Union, and establish an independent government, or adopt such measures as they may deem best calculated to protect their rights and liberties; but they will continue faithful to the Mexican government so long as that nation is governed by the Constitution and laws that were formed for the government of the Political Association.

"*Sixth*. That Texas is responsible for the expenses of her armies now in the field.

"*Seventh*. That the public faith of Texas is pledged for the payment of all debts contracted by her agents.

"*Eighth*. That she will reward by donations in land all who volunteer their services in her present struggle, and secure them as citizens.

"*Ninth*. These declarations we solemnly avow to the world and call God to witness their truth and sincerity; and we invoke defeat and disgrace upon our heads should we prove guilty of duplicity."

made hopeful by their recent victory, wished to storm the place at once. Two military companies, "The Grays," from New Orleans, had reached the camp, and this increased the eagerness of the army for an attack. When Austin was selected Commissioner to the United States, Edward Burleson was placed in command of the troops.* Now Burleson knew that General Cos had a strong force in San Antonio, and that the town was well fortified. He hesitated, therefore, to risk an attack. The most trying part of any campaign is the waiting for action. Even to trained soldiers it is wearying; to these farmers, who had wives and children depending upon them, it was doubly so. Cold weather was coming on, and many were forced to return to their homes. Driven by the continued entreaties of those who remained (some eight hundred in number), Burleson announced that an attack would be made December 4. During all the day before the camp was filled with the busy hum of preparations; all were confident of victory. Who can picture their disappointment when the officers informed them that the attack must be postponed? General Burleson had reason to fear Cos had received news of their plans. The troops were so angry that many of them would not obey the order to parade the next morning.

* Edward Burleson was born in North Carolina, in 1798. When his father went to the Creek war, young Burleson accompanied him to keep the muster-roll. Here Burleson received his first lessons in military tactics from Andrew Jackson. In 1831, he came to Texas, and at once made himself known by his skill in fighting the Indians. From this time his life is closely connected with the history of Texas.

Milam's Plan.—It was announced on December 4 that the siege would be raised and the soldiers dismissed. The army grew indignant, so that for a time it was feared a struggle might take place between the Texans themselves. At this time a deserter arrived in camp, who told the Texans that the Mexican troops were dissatisfied, that the fortifications were not so strong as represented, and that General Cos was entirely ignorant as to the plans of our men. Having obtained Burleson's consent, Ben Milam stepped to the center of the camp, waved his hat, gave a ringing "huzza," and shouted: "Who will go with old Ben Milam into San Antonio?" Cheer after cheer rose from the soldiers. Nearly four hundred volunteered at once.

The Attack.—While it was still dark on the morning of December 5, the men stole silently to an old mill near by, where Milam was to give orders for the attack. All was soon arranged. At five o'clock, Colonel Neil led his division to storm the Alamo, as it seemed; but in reality this was only a ruse to give Milam and Johnson a chance to enter the city unobserved. The Texans opened a lively fire upon the Alamo. The Mexicans were completely surprised, but the bugle sound quickly brought them to arms. Neil soon heard the report of cannon in the suburbs; this was the sign that Milam had succeeded in making his way into San Antonio. Neil withdrew to join the other troops. The battle now raged with dreadful fury; desperate bravery was shown on both sides. The Texans had to fight their way inch by inch. Now

they gained a house, now only a room, but on, on they went, always advancing, never taking a step backward. Five days and nights they struggled, and still the town was not theirs. At last, by their heroism, they captured a priest's house that overlooked the public square. This enabled them to silence all the cannon of the Mexicans and really won the victory.

Milam's Death.—The saddest of the misfortunes of our men was the death of brave Ben Milam. After three days, filled with many daring deeds, he was killed while passing from one house to another to give orders. On the spot made sacred by his fall he was buried.*

Surrender of Cos.—During the first day of the attack, a red and black flag had floated from the Mexican quarters. This meant, "Death to every Texan." But on the morning of the 9th, General Cos was forced to raise the white flag. General Burleson at once entered the city, and by two o'clock that night had all the conditions of the surrender arranged.† They were as follows: 1. Cos and his officers were allowed to depart with their arms and private property, on the promise that they would never oppose the return of Mexico to a purely republican

* Little is known of Milam's early life. In the war of 1812, he was noted for his bravery; next we hear of him as an Indian trader in Texas, then as assisting the Mexican patriots against the tyrant, Iturbide. He was imprisoned again and again, but always managed to escape. He now lies in an unmarked grave in the Protestant cemetery of San Antonio. So brave a hero deserves some remembrance from the State he died to free.

† During the storming of San Antonio, General Burleson had remained in camp with his troops, ready at any moment to march to Milam's assistance, if he should be needed.

form of government, nor take up arms against Texas. 2. All convict soldiers were to be taken entirely out of Texas. 3. Those Mexican troops who wished to leave the army, or remain in San Antonio, were to be permitted to do so. 4. All public property was to belong to the victors. The sick and wounded were given permission to remain, and food was furnished them. Even Cos and his soldiers were supplied with food, and that, too, at most reasonable rates. Succeeding events show whether the Mexicans remembered this kindness.

Results.—The Mexicans had one hundred and fifty killed and wounded; the Texans had three killed and twenty-five wounded. Twenty-one pieces of artillery, five hundred muskets, and a large supply of army stores were taken by the Texans. When it is remembered that General Cos had fourteen hundred men (he received heavy re-inforcements during the battle), that he was well supplied with small arms and cannon, and that the town was strongly fortified, it is indeed wonderful that less than four hundred Texans should have been able to wrest from him a city. The result most gladdening to the hearts of the Texans was the fact, that the withdrawal of Cos left them free from the Mexican soldiery.

The Governor and Council.—Governor Smith and the Council devoted their attention to plans for raising money to sustain the army and the government. The citizens of Texas had done all in their power, private parties in the United States had given liberally, yet these were but drops in the ocean of expense that now deluged Texas.

Austin, Archer, and Wharton were sent to the United States to obtain a loan. Arrangements were made to raise an army of twelve hundred men. Each soldier who volunteered for two years was to receive, besides the regular pay of a United States private, six hundred and forty acres of land. Unfortunately, a quarrel broke out between the Governor and the Council; they could agree on nothing. The Council declared the Governor's chair vacant, and placed the Lieutenant-governor therein. Governor Smith refused to resign his office. This was the state of affairs until the next spring.

1836.

The year did not open with bright prospects for the Texans. The Governor and the Council were quarreling; General Houston was hampered, and could not carry out his plans for the army; the people had their hands full caring for their families during the bleak winter months; rumors of an invasion by the Mexicans came thick and fast. Austin and his committee had fortunately secured a large loan in the United States, which proved a rift of sunshine in the otherwise dark and stormy skies.

Santa Anna's Preparations.—When Santa Anna received news of the surrender of General Cos at San Antonio, he was wild with rage. He vowed he would never rest until Texas should be humbled to the dust. He published his plans for conquered Texas. 1. All who had taken part in the rebellion were to be driven from

the province. 2. All who were not rebels were to be removed far into the interior. 3. The best lands were to be given to Mexican officers and soldiers. 4. No one from the United States was to be allowed to settle in the province under any circumstances. 5. The Texans were to pay all expenses of the war. Every foreigner who should bring arms or military stores into Texas was to be considered and treated as a pirate. This was to prevent the Americans from assisting the Texans. All Mexico was eager to subdue the stubborn State that had dared refuse obedience to the mighty Napoleon of the West, as Santa Anna termed himself. When a call was made for volunteers, eight thousand of the choicest Mexican troops at once offered themselves. These were commanded by able officers.*

Points of Attack.—As at San Antonio, the Mexicans had received so disgraceful a defeat, here Santa Anna resolved to strike his first blow for vengeance. Toward the last of February, he led his army to that city.

Texan Force.—After Milam captured San Antonio, the Texan army had rapidly scattered until only a handful of men was left to garrison the place. General Houston, as commander-in-chief, had ordered the fort to be blown up and the city abandoned, but his command was entirely disregarded.† At this time, Colonel W. B.

* Cos was one of these, though he had at San Antonio pledged himself to never again bear arms against Texas. Such was his idea of honor.

† Some excuse may be made for this disobedience, when it is remembered that hitherto the Texans had always conquered the Mexicans. Many thought if Milam's men could capture the city, certainly a small number could hold it

Travis, with one hundred and forty-four men, was in charge of the town. They were well armed and had several cannon, but their supply of ammunition was small. If, however, they were weak in number, they were strong in courage. In addition to Travis, Bowie, Crockett, and Bonham were there—four names that shall live for centuries.*

Arrival of Mexicans.—The Mexicans having captured the Texan scouts, came suddenly upon the town, February 22. The garrison at once withdrew to the Alamo.†

First Day of the Siege.—The following letter from Travis to his people gives us an account of the first day :

“COMMANDANCY OF THE ALAMO,

“BEXAR, February 24, 1836.

“FELLOW-CITIZENS AND COMPATRIOTS :—I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a

against the enemy. Few had any idea of the real strength of Santa Anna's army.

* To understand what follows, the student must have a clear idea of the Alamo. The description given is taken from an article written for “The Texas Almanac,” by R. M. Potter. “The Alamo was founded soon after the Spaniards settled that part of Texas, and was built as a place of safety for the settlers and their property, in case of Indian hostility; it had neither the strength, arrangement, nor compactness of a regular fortification. The chapel of the fortress is seventy-five feet long, sixty-two feet wide, and twenty-two and a half feet high, surrounded by walls of solid masonry four feet thick. It was built in one story, with upper windows, under which platforms were placed for mounting cannon. The barrack, which was connected with the church, is one hundred and eighty-six feet long. There was still another barrack, and these barracks, like the chapels, were built of solid stone.”

† Mrs. Dickinson, one of the three survivors of the Alamo, says: “While I was sitting at my door-way, wondering if the bells that had just ceased ringing were giving the alarm of the arrival of the Mexicans, my husband galloped up, and cried, ‘The Mexicans are upon us. Give me the babe, and jump up behind

strong bombardment for twenty-four hours, and have not lost a man. The enemy have demanded a surrender at discretion, otherwise the garrison is to be put to the sword, if the place be taken. I have answered with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender nor retreat. Then I call on you in the name of liberty, of patriotism, and of every thing dear to the American character, to come to our aid with all dispatch. The enemy are receiving re-inforcements daily, and will no doubt increase to three or four thousand in a few days. Though this call may be neglected, I am determined to sustain myself as long as possible, and die like a soldier, who never forgets what is due to his honor and that of his country. VICTORY OR DEATH!

“W. BARRET TRAVIS,

“Lieutenant-Colonel Commanding.

“P. S.—The Lord is on our side. When the enemy appeared in sight, we had not three bushels of corn. We have since found, in deserted houses, eighty or ninety bushels, and have gotten into the walls, twenty-nine or thirty beeves. T.”

Succeeding Days of the Siege.—Eloquent, indeed, was this death cry from Travis, but alas! it brought no such response as he and his men hoped. Day by day Santa Anna drew his lines closer about the Alamo; day by day the Mexican forces increased, until they numbered four thousand men; day by day the cannon poured their murderous fire upon the fort and its noble defenders; day by day the Texans strained both eye and ear to catch the first sign of the aid so anxiously expected; day by day the red flag waved before the little band of heroes. On March 1, thirty-two brave spirits from Go-

me.’ As the enemy were already in one of the streets, we hurried across the river, and entered the fort at the southern gate. The shots and shells were already falling near us, but we escaped.”

liad made their way through the lines. This increased the garrison to one hundred and seventy-seven men, several of whom, however, were sick and wounded. After this, no help came.*

Travis' Speech to his Men.—On March 4, the Mexicans kept up a terrible cannonade. Just before sunset, this suddenly ceased, and Santa Anna ordered his men to withdraw some distance from the Alamo. The weary Texans who, for ten days and nights, had toiled like giants, sank down to snatch a few moments' rest. Travis seemed to know that this was the lull before the last fury of storm that was to destroy them all; he ordered his men to parade in single file. Then followed one of the grandest scenes history records. In a voice trembling with emotion, Travis told his men that death was inevitable, and showed that he had detained them thus long, hoping for re-inforcements.†

* Yet, in spite of all this, the spirits of our men were not cast down. Crockett was a good violinist, and often played to cheer the weary soldiers. He it was who said: "I think we had better march out and die in the open air. I don't like to be hemmed up." Travis writes, in one of his last letters: "I am still here, in fine spirits and well to do. I shall continue to hold the fort till I get relief from my countrymen, or I will perish in its defense. Take care of my little boy. If the country be saved, I may make him a splendid fortune; but if the country be lost and I should perish, he will have nothing but the proud recollection, that he is the son of a man who died for his country."

† Some unknown author has written the following imaginary speech of Travis: "My brave companions, stern necessity compels me to employ the few moments afforded by this brief cessation of conflict, in making known to you the most interesting, yet the most solemn and unwelcome fact, that perishing humanity can realize. But how shall I find language to prepare you for its reception? I can not do so. All I can say is, prepare for the worst. Our fate is sealed. Within a very few days, perhaps a very few hours, we must all be in eternity. This is our certain doom. I have deceived you long by the promise of help. But

Result of Travis' Speech.—When Travis had finished, the silence of the grave reigned over all. Drawing his sword, he drew a line in front of his men, and cried:

I crave your pardon, hoping that, after hearing my explanation, you will sympathize with me in my extreme necessity. In deceiving you, I also deceived myself, having first been deceived by others. I have continually received the strong assurance of help from home. Every letter from the Council has teemed with the assurance that, within a short time, we might confidently expect recruits enough to repel any force that would be brought against us. These assurances I received as facts. They inspired me with the greatest confidence. But the promised help has not come, and our hopes are not to be realized. Let us not be in haste to censure our friends. The enemy has invaded our territory much earlier than we anticipated, and their present approach is a surprise. Our friends were not informed of our perilous condition in time to save us. My calls on Colonel Fannin remain unanswered, and my messengers have not returned. His whole command has probably fallen into the hands of the enemy, and our couriers have been cut off. I trust that you do not now censure me for my course." [Fannin received Travis' dispatch, and set out for San Antonio, February 28, with three hundred men and four pieces of artillery. After going a short distance, some of his wagons broke down, and he found it almost impossible to move his cannon. Rice and dried beef were the only food he had for his men. Under these discouraging circumstances, a council of war was called, and it was decided to return to Goliad.] "Relying upon these promises from home, I retained you here until the enemy outnumbered us two to one, and escape became impossible. We have no hope of help, for no force our friends could send would now be able to cut through the strong ranks of these Mexicans. We dare not surrender, for, should we do so, that blood-red flag now waving in our sight, as well as the merciless character of our enemies, admonishes us of what would be our doom. We can not cut our way through the enemy's ranks, for we should all be slain in less than ten minutes. Nothing remains, then, but to stay in this fort and fight until the last moment. In this case, we must, sooner or later, all be slain, for I am sure Santa Anna is determined to storm the fort and take it, whatever the cost. *Then we must die!* This is a fixed and inevitable fact. Our business is not to make a fruitless effort to save our lives, but to choose the manner of our death. Three modes are presented to us. Shall we surrender and be deliberately shot without taking the life of a single enemy? Shall we try to cut our way through the Mexican ranks, and be butchered before we can kill twenty of our adversaries? I am opposed to either method, for, in either case, we could but lose our lives without benefiting our friends at home—our fathers and mothers, our brothers and sisters, our wives and little ones. My choice is to remain in the fort, to resist every assault, and to sell our lives as dearly as possible. Then let us band together as brothers, and vow to die together. Let

"Those who wish to die like heroes and patriots, come over to me." There was no hesitation. In a few minutes, every soldier, save one, had crossed.* Even the wounded dragged themselves across the fatal mark. Colonel Bowie was too ill to leave his couch, but he was not to be deterred by this. "Lads," he said, "I can't get over to you, but won't some of you be kind enough to lift my cot on the other side the line?" In an instant it was done.

Mexican Council.—That night Santa Anna called a council of war. It was decided to storm the Alamo between midnight and sunrise, March 6.† Special orders were given to all troops, and officers were instructed to take the fort at any sacrifice.

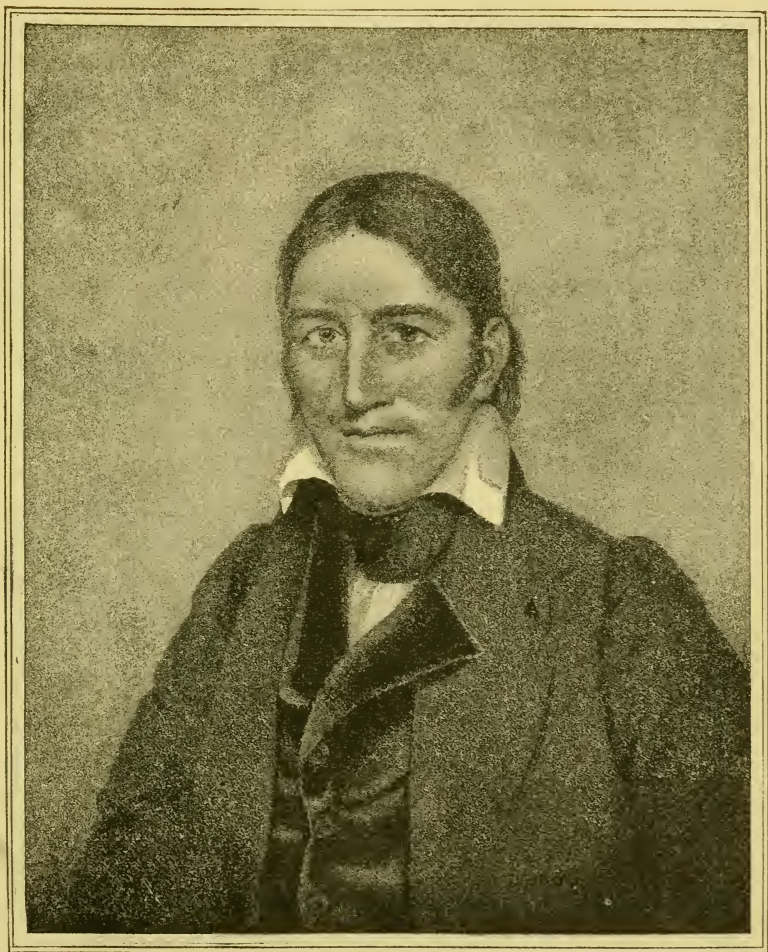
us resolve to withstand our enemies to the last. And when they shall storm our fortress, let us kill them as they come! Kill them as they scale our walls! Kill them as they leap within! Kill them as they raise their weapons, and as they use them! Kill them as they kill our companions, and continue to kill them as long as one of us shall remain alive! and be assured our memory will be gratefully cherished by posterity. But I leave every man to his own choice. Should any man prefer to surrender, and be tied and shot, or attempt an escape through the Mexican ranks, and be killed ere he can run one hundred yards, he is at liberty to do so. My own choice is to stay in this fort and die for my country, fighting as long as there shall be breath in my body. This will I do, even if you leave me alone. Do as you think best; but no man can die with me without affording me comfort in the moment of death."

* The student may wonder, if none escaped from the Alamo, how we know the above to be true. The story runs, that this one man, Rose by name, who refused to step over the line, did make his escape that night. He reported the events recorded in the last two topics. While some historians doubt the truth of the story, we deem it to the interest of the student to let him investigate the matter for himself.

† A Mexican woman stole from the fort, on the 4th, and carried to Santa Anna the news of the small number of men in the garrison. This decided him to make an immediate attack.

The Attack.—Shortly after midnight (March 6), the Mexican troops surrounded the Alamo. The infantry were supplied with crow-bars and ladders for scaling the walls. Back of these were the cavalry, who were ordered to kill any soldier who shirked the fight, and to see that no Texan escaped. Amidst the roar of the cannon, "the trumpets sounding the awful notes of the dequelo, signifying no quarter," Santa Anna's troops advanced to the attack. The Texans received them with a terrible volley of musketry and artillery. Back rushed the Mexicans before that fire of death. Again they advanced, planted their ladders, and tried to mount. The fury of despair nerved the arms of Travis' men, and again they hurled back the foe. The Mexicans, bleeding, wounded, and shattered, hesitated to renew the attack, but the stern command of Santa Anna, and the flashing sabers of the cavalry, forced them on. By tens, by hundreds, they swarmed up the ladders. Down fell the first, down, down went the second, crushing all beneath them, while the Texans stood like gods waiting to let others feel their mighty strength. But there is a limit to all human power. What could one hundred and seventy men, worn out by eleven days of constant effort, do against four thousand fresh troops? The Mexicans were pushed forward over the bodies of their dead comrades. Now they were on the walls, now the noble Travis* fell, now Bon-

* Travis was shot early in the attack. As he fell, a Mexican officer rushed up to stab him, but Travis raising himself with a mighty effort, thrust the enemy through with his sword. A moment more, and his spirit had fled. Thus, at the age of twenty-seven, passed away one of Texas' noblest sons.



DAVID CROCKETT.

ham. The enemies were in the court. The Texans were literally cut to pieces, yet not one fell unavenged.

Brave Crockett* left a score of bodies about him to show his work. The gallant Bowie, though too weak to rise from his bed, shot two fiends who were preparing to butcher him. The court ran with blood, but the conflict did not cease until every one of the noble band lay a bleeding sacrifice upon his country's altar.† “Death and Santa Anna held the place.”

The Funeral Pyre.—By the order of Santa Anna, the bodies of the Texans were collected in a huge pile and burned, while the one thousand and six hundred dead Mexicans were taken to the cemetery for burial. When Bowie's body was brought out, Cos said: “He was too brave to be burned like a dog, but, never mind, throw him in.” As the Sabbath sun sank slowly in the west, the smoke from that funeral pyre of heroes ascended to heaven. From that sacred fire sprang the flames that lighted all

* From boyhood David Crockett was known throughout Tennessee as the champion hunter. While in the flush of early manhood, he felt that the Lord had called him to be a member of the United States Congress. Though uneducated, he possessed the knack of speaking to please the country people, and he was sent to Washington by a fine majority. Once there, troubles beset him. He could not accustom himself to the manners and customs of city life. When he rose to speak in Congress, he found it very different from making a stump speech; his ignorance of parliamentary rules was continually placing him in awkward positions. Failing to be re-elected, he left Tennessee in disgust and came to Texas.

† The only survivors of the Alamo were Mrs. Dickinson, her infant daughter, and a negro servant. Mrs. Dickinson tells the following story: “After the struggle had lasted over two hours, my husband rushed into the church where I was with my little daughter, and exclaimed: ‘Great God, Sue, the Mexicans are inside our walls; all is lost. If they spare you, save my child.’ Then, with a parting kiss he drew his sword and plunged into the strife. Soon after he left me, three unarmed gunners came into the church, and were shot down by my side. Just then a Mexican officer came in, and asked me in English: ‘Are you Mrs. Dickinson?’ I answered, ‘Yes.’ ‘Then,’ said he, ‘if you wish to save your life, follow me.’ I followed him, and, although shot at and wounded, was spared.”—MORPHIS.

Texas, that consumed many Mexican lives, and caused even the Napoleon of the West to bow low his haughty head.*

Declaration of Independence.†—On March 1, a Convention met at Washington. On March 2, the last tie that bound the Texans to Mexico was severed, and Texas was declared a free and independent republic.‡

Government.—The Convention adopted a constitution, appointed David G. Burnet President, and Lorenzo De Zavala, Vice-President. A Cabinet of five members was also established.

General Urrea.—While Santa Anna was besieging the Alamo, General Urrea was hastening into Eastern Texas,

* At the entrance to the old capitol at Austin, stood a monument built from the ruins of the Alamo, and dedicated to the heroes who perished there. The names Bowie, Travis, Bonham, and Crockett stood out in bold relief, one on each side. The north front bore this inscription: "To the God of the fearless and free is dedicated this altar, made from the ruins of the Alamo." The east front: "Thermopylæ had her messenger of defeat, the Alamo had none." This monument was destroyed at the burning of the capitol. It is hoped that the new capitol will contain a greater monument to these heroes.

† For the Declaration of Independence, see end of this era.

‡ On Sunday, March 6, the last letter written by Travis was received. The Convention at once met, and the president read the message. All were deeply touched. One member sprang to his feet and moved that the members of the Convention arm themselves, and immediately march to Travis' relief. Houston opposed this. He claimed that the first duty of the Convention was to establish a government, and adopt a constitution, and that fifty-six men—the number of members—could do nothing toward cutting a passage through Santa Anna's ranks. He promised that he himself would at once start for San Antonio. His eloquence carried the day. Mounting his horse, too desperate to reflect upon the hopelessness of his errand, he galloped off, accompanied by only three or four companions. Travis had written that, so long as his flag waved over the Alamo, signal guns would be fired at sunrise. These could frequently be heard for many miles over the prairie. The next morning, Houston placed his ear to the ground and eagerly listened for the signal. All was still! This told the story. Travis and his noble band were no more.

where San Patricio, Refugio, and Goliad were to be captured. The first point was taken with little trouble, as the coming of the Mexicans was a surprise. The Texan garrison was put to death.

Refugio.—Urrea next marched against Refugio, where Colonel King, with twenty men, had quarters in the old Mission. Learning of his approach, Colonel King sent a messenger to Fannin, who was at Goliad with four hundred men, for aid. Colonel Ward, with one hundred men, at once hurried to King's support. Urrea stormed the Mission, but was so warmly received by the Texans, that he withdrew, with two hundred killed and wounded. Ward's loss was only three wounded. Having orders from Fannin to retreat, Ward, on March 4, left the Mission and started for Victoria. But the little band was surrounded by Urrea's men, and, being offered fair terms, surrendered. What their fate was, we shall see later. Colonel King and his men were captured while out on a scouting expedition; they were shot, and their bodies left on the prairies for the vultures.

Fannin.—On March 14, Colonel Fannin received commands from General Houston to leave Goliad, destroy all fortifications, and hasten to Victoria. As one fourth of his men were absent, Fannin did not feel authorized to march without them. Couriers were sent to Refugio to bid Colonel Ward return at once, but neither the couriers nor the soldiers came. On March 18, Urrea appeared, and a light skirmish followed. The next morning, Fannin felt that he could wait no longer, so, having dis-

patched the cavalry to see if the way was clear, he commenced his retreat. After a journey of nine miles, he halted to rest his teams; this stop was made five miles from the Colito. Some of his officers objected to this, claiming that they should at least go on to the river. Fannin and the majority of his men, however, had such a supreme contempt for the Mexicans, that they were rash. "Urrea's troops will never dare to follow us," they said, and, believing this, they rushed into the very jaws of death.

Battle of the Colito.—After an hour's rest, Fannin prepared to continue his march. But he found himself completely surrounded by the enemy, a strong force of whom had come up during his halt. To make matters worse, the Texans were in a depression some feet lower than the surrounding prairie, and were entirely destitute of water. Retreat was impossible. Fannin arranged his three hundred men in a hollow square, and made ready to meet the attack of the twelve hundred Mexican infantry and seven hundred cavalry. For hours the battle raged fiercely; many were lost on each side, and still more were wounded. As the Texans had no water, their cannon soon grew too hot to be used. When it became dark, the Mexicans withdrew, leaving our men victors for the day.

A Night of Agony.—During all that night, the Texan camp presented a sad scene. The moan of the ninety-seven wounded, and their pitiful pleadings for just one drop of water, were heart-rending. Fannin himself was

severely wounded. As all the teams had escaped during the battle, every hope of retreat under shelter of the darkness was destroyed. The soldiers worked bravely, fortifying the camp and caring for the wounded.

Surrender.—The next morning, Urrea received five hundred fresh troops and two cannon. When the Texans saw the Mexican artillery, they knew their last chance of victory was gone. In an unfavorable place, without water, surrounded by a foe that outnumbered them seven to one, tortured by the moans of suffering and dying comrades—there was nothing left but to surrender. A white flag was raised, and Colonel Fannin went out to treat with Urrea. His last words to his men were: “Boys, if I can’t get an honorable surrender, I’ll come back, and we will all die together.” After consultation, he and General Urrea agreed on these

Terms of Surrender.—1. The Texans were to be treated as prisoners of war, according to the usages of civilized nations. 2. Private property was to be respected and restored, but the officers were to give up their side-arms. 3. The men were to be sent to Copano, and from there to the United States. 4. The officers were to be paroled and returned to the United States. These terms were written in both Spanish and English, were read and signed by several parties, were sealed with every formality, hence no one dreamed of their being violated. On Fannin’s return, his forces were ordered out to stack their arms. They were then, under a strong guard, hurried back to Goliad, where they were

imprisoned in the old fort. Their food was beef, without either salt or bread. On March 25, Colonel Ward and his men were brought as captives to the same place.

The Massacre.—On the night of the 26th, Fannin's men, most of whom were from Alabama and Georgia, spent the evening in merry conversation concerning their return home. Suddenly, a rich tenor voice began singing "Home, Sweet Home." The jests ceased; each manly heart beat in a responsive chord to those sweet words. Many an eye grew dim, as one after another took up the soft refrain. Even while the songs were on their lips, a messenger came from Santa Anna, bearing an order for the murder of all American prisoners. As the patriots lay down to sleep and dream of their far-away homes, the servants of the "Prince of Butchers" prepared to execute his commands. The next morning was Palm Sunday. What a day to choose for such a deed! At dawn, the Texan troops were awakened and ordered to file out. They were divided into four divisions, each placed under a strong guard, and marched in different directions. After going a half mile, the officers commanded a halt. The next moment a volley of balls hailed upon the unarmed Texans. Again and again they came, till not one hero was left standing.* Fearing that all were not entirely dead, the Mexican cavalry rode over the field, and pierced with their sabers all who gave any signs of life. The officers were kept for the last, but

* Some few of the men escaped by running to the river the moment the firing began.

shared the same fate.* As a fitting close to the scene, the bodies of the Texans were partially covered with brush, and this was set on fire. Picture the sickening result, and then ask yourself if it seems possible that men, living in the nineteenth century, calling themselves civilized, nay more, Christians, could be guilty of such an outrage.

Justification of the Massacre.—Such cruelty and treachery as were shown in this massacre of three hundred and eighty-five soldiers, called forth the severest censure from the whole world. Santa Anna tried to justify his actions by saying that the Mexican Supreme Court had passed a law requiring the execution of all who surrendered in war. Why did not General Urrea know of this law, and refuse Fannin honorable surrender? All attempts to excuse such a deed are mockery. In the eloquent words of Benton: "Accursed be the land on which the dreadful deed was done! Sterile and set apart let it ever be! No fruitful cultivation should enrich it; no joyful edifice should adorn it; but shut up and closed by gloomy walls, the mourning cypress and the weeping willow should forever attest the foul deed of which it was the scene, and invoke, from every passer-by, the throb of pity for the slain, and start of horror for the slayer."

* Fannin was the last to be sacrificed. He met his death with unflinching courage, as, indeed, did all the little band. He made three requests of the Mexican officers: that his watch might be sent to his wife, that he might be shot in the breast, and that his body might be given Christian burial. He was promised all he asked; but the watch remained in the officer's pocket, Fannin was shot in the head, and his body left unburied,

Santa Anna's Plans.—After the direful disasters at San Antonio and Goliad, Santa Anna considered his work in Texas finished. He had no doubt that the rebellious colonists were conquered. As he was needed in Mexico, he wished to leave Texas at once. The officers whom he had appointed to re-establish all Mexican laws and forms in the province, were wiser than he. They saw that, as yet, the Texans themselves had not been subdued. Most of those murdered at the Alamo and at Goliad were volunteers from other States; the Texans were yet to show what they alone could do. Santa Anna being persuaded that his officers were in the right, arranged his army into three divisions, that he might penetrate the interior of Texas, and rapidly make himself master of the province.

Houston's Army.—At Gonzales four hundred men had gathered in response to the earnest appeal of Travis for help. Here Houston went to take command (March 11). The troops were unorganized, and had neither suitable arms nor food. Houston at once set to work remedying these defects. That very night came certain news of the "Fate of the Alamo."* Houston was anxious to have Fannin join him, and sent such an order; but instead of Fannin and his trusty men, came tidings of the "Massacre at Goliad."†

* All the air was filled with the sobs of women and the cries of children; the wife mourned for her husband, the mother for her son, the child for its father. There was scarcely a home in Gonzales that was not in mourning.

† Houston feared that this news might completely demoralize his army, which was already much depressed in spirit. To avoid this he made use of a ruse.

Feeling that his force was entirely too small for a battle with the enemy, and knowing that a defeat would be fatal to Texas, Houston decided to retreat until his army should increase. News of the retreat, and the invasion of the Mexican army, caused a panic through all Texas. Roads going eastward were constantly thronged with fugitives. All this increased the troubles under which Houston was laboring. He went from Gonzales to Burnham, on the Colorado, thence to the Brazos, to San Felipe, up the Brazos, camped in the Brazos Bottom, moved to Groce, on the eastern bank of the river, and pushed on to Harrisburg.

Santa Anna's Movements.—According to the plans made when the Mexican army was separated into three divisions, Santa Anna's command was to march against Nacogdoches. Learning that the Texan government had moved its head-quarters to Harrisburg, Santa Anna resolved to turn aside from his course, take the town, and make prisoners of all Texas officials. He burned the town, but did not succeed in capturing the President or his Cabinet. He then passed down to New Washington.

Houston Changes his Plans.—On April 18, two Mexican captives were brought into the Texan camp by Deaf Smith.* From them it was learned, what Hou-

He told his men that this Peter Kerr, a Mexican who brought the news, was a spy sent by the enemy to frighten them with false tales. Kerr was ordered under arrest, and was to be shot next morning. Late that night Houston had Kerr tell him the whole story, which he felt to be only too true. He then commanded the prisoner to be kindly cared for. It is needless to say he managed to forget the shooting.

* Deaf Smith, so called, of course, because he could not hear well, rendered

ston did not know positively before, that Santa Anna was with the advance force of the enemy, and that he was cut off from the other divisions of his army. This, with other valuable information, at once determined Houston to cease his retreat, turn in pursuit of the foe, and stake all upon a battle. He hurriedly pushed on to a point near Lynchburg, opposite the mouth of the San Jacinto. From the report of his scouts he felt sure not many hours would pass before the enemy would come in sight. He selected a suitable place for camp, mounted the "Twin Sisters,"* stationed his men, and calmly waited. He did not have long to wait. Ere the tired soldiers had time to rest, scouts came flying in with news of the approach of Santa Anna. The Mexican bugle soon told the same story. The day (April 20) was filled with skirmishes that gave no advantage to either side; in the evening Santa Anna retired to his camp, a mile distant from Houston's army.

April 21.—The day that was to decide whether or not Texas should be free, dawned clear and bright. In the morning a large body of men was seen in the distance, marching toward the enemy's camp. "Re-inforcements for Santa Anna," passed from lip to lip. Houston told

the Texan army great service during the entire revolution. It was feared that, having married a Mexican lady, he would not take the Texan side, but he was not long in deciding. As a guide and a spy he was without a superior. He took part in nearly every important battle during the war, and always distinguished himself by his coolness, silence, and bravery.

* The "Twin Sisters" were two cannon presented to the Texans by generous friends in Cincinnati.

his men this was a ruse on Santa Anna's part to discourage them; but he at once sent Deaf Smith to find the true state of affairs. The scout soon returned with news that General Cos, with five hundred troops, had come to Santa Anna's assistance. This was kept from the army, as they already had much to discourage them. Houston called a council of war, but they could not agree upon a plan of action. The General now summoned the trusty Deaf Smith again, bade him choose a companion, take axes, and destroy Vince's Bridge. As the bridge was the only means of retreat for miles around, this step meant utter destruction to the conquered.

Battle of San Jacinto.—At three o'clock a parade was ordered. In a few stirring words, Houston told the seven hundred brave men before him, that he was about to lead them against Santa Anna's one thousand five hundred veteran soldiers. The news was gladly received. Quickly yet quietly preparations were made. The nature of the ground allowed them to form in line of battle without being seen by the enemy. In the opposite camp all was silent, as most of the officers were taking their afternoon nap, the General himself being asleep. Just as our men were ready for the march, Deaf Smith galloped to the front, waved his ax about his head, and shouted: "Vince's Bridge is down." Houston gave the order to move forward. His men needed no second bidding. No martial music cheered the little band, but he who looked into those flashing eyes and read the resolution written

on those brows and lips, knew they had no need of drum or fife. The Mexicans, though surprised, at once prepared to meet the charge of the advancing columns. As our men neared the camp, and saw before them the butchers of their friends and loved ones, a fierce cry for vengeance burst from every heart, "Remember the Alamo! Remember Goliad!" For a second the Mexicans shrunk back in terror, but rallying, they poured a raking fire of musketry upon the Texans. Not an instant did Houston's men pause. Before the enemy could reload, the Texans were within pistol-shot; then seven hundred death-bearing bullets winged their way into the Mexican ranks. Still the Texans paused not. Turning their muskets into war-clubs, they grappled hand to hand with the foe. When the muskets were broken, they drew their pistols, fired, and then hurled them at the enemy. The next instant they took their bowie-knives and again raising the dread battle cry, slaughtered right and left in savage fury. The Mexicans fought bravely, but becoming convinced that they were struggling with demons and not mortals, they took to flight.* In fifteen minutes the battle was won and the Texans were in possession of Santa Anna's camp.

The Pursuit.—The Mexicans now fled in every direc-

* Deaf Smith was a conspicuous figure in this battle. Having gone too near the enemy's line, by the stumbling of his horse, he was thrown into the midst of the Mexicans. As he was about to be run through with a saber, he drew his pistol and aimed at the Mexican, but it missed fire. He then threw the weapon at his foe's head and, as the man staggered back, leaped up, snatched away the musket, and began fighting right and left.

tion, while the Texans followed. Many a Mexican fell on his knees, and pleaded: "Me no Alamo; me no Goliad." It is to be feared that they were not always granted mercy, for the Texans had vowed to offer a bloody sacrifice to the memory of the martyred Travis, Bowie, Crockett, Bonham, and Fannin. When the Mexican cavalry saw that the day was lost, they hurried to Vince's Bridge to make their escape; the bridge was gone! Behind them came the dreaded Texans; before them rolled the turbid waters. Death stared them in the face on either side. Scores of them plunged into the stream. Down went horse and rider, till the vanquished dead literally choked the stream. The sharp report of the muskets, the groans of the dying, the shrieks of the drowning, the gurgle of the bloody waters, the fierce cry of the Texans,—all formed one of the dark pictures that the monster War delights to paint upon his canvas.

Results.—Houston, in his reports, stated the Texan loss at two killed and twenty-three wounded, six of whom were mortally injured. The Mexicans had six hundred and thirty killed, two hundred and eight wounded, and seven hundred and thirty taken prisoners. The Texans captured \$12,000 in specie, several hundred mules and horses, and over a thousand muskets, sabers, and pistols. Among the distinguished prisoners were General Cos, Colonel Almonte, and

Santa Anna.—On the morning of the 22d, as a party of privates was out searching for prisoners, they captured a Mexican dressed as a common soldier. His manners,

and a shirt of the finest material, made them think him an officer. When they took him into the camp, every Mexican at once raised his cap, and shouted, "The President!" Then it was known that the Dictator was a captive in the hands of the people he had so cruelly wronged. He was carried to Houston, who, having been severely wounded, was asleep. Santa Anna took the hand of the prostrate victor, and bowing, introduced himself: "I am General Antonio Lopez de Santa Anna, President of Mexico, and I claim to be your prisoner of war." Houston greeted him politely, and invited him to be seated. The President then wished to at once enter into a treaty with Houston and Rusk, the Secretary of War. They told him that Texas had a Congress, which body alone had power to make treaties. "But, General Houston," said Santa Anna, "you can afford to be generous, for fate has allowed you to have the honor of capturing the Napoleon of the West."* All his entreaties

* An eye-witness to the meeting between Santa Anna and Houston has reported their conversation, of which the following is an abbreviated account: *Santa Anna*. "It devolves upon you to be generous to the vanquished." *Houston*. "You should have remembered that at the Alamo."—*Santa Anna*. "I was justified by the usage of war. They had refused to surrender; the place was taken by storm, the usage of war justifies the slaughter of the vanquished!" *Houston*. "That custom is now obsolete; civilized nations have grown more humane."—*Santa Anna*. "But I was acting under the orders of my government." *Houston*. "You were the government of Mexico; a Dictator, sir, has no superiors."—*Santa Anna*. "I have orders, General Houston, to exterminate every man found in arms in Texas, and to treat all such as pirates. They have no government, and are fighting under no recognized flag." *Houston*. "The Texans flatter themselves they have a government, and they will probably be able to make a flag. What excuse have you to offer for the massacre at Goliad? They had capitulated on terms offered by your General, and yet were perfidiously massacred."—*Santa Anna*. "I declare to you, General, I did not know they had surrendered. General Urrea

were useless; Houston and Rusk would agree to nothing more than an armistice. The Dictator at once sent a letter to General Filisola, commanding all Mexican forces



SANTA ANNA REBUKED BY HOUSTON.

to withdraw to San Antonio and Victoria, where they were to await further orders. Houston used every care to have his distinguished prisoner made comfortable,* and dispatched messengers for President Burnet.

informed me he had conquered them, hence I ordered their execution. If the day ever comes when I get Urrea into my hands, I will execute him for his falsehood." It is needless to say the last remark of Santa Anna contained not a grain of truth.

* The Texan soldiers were anxious for Santa Anna's death, and more than one plot was made to kill him. These were all frustrated, owing to Houston's vigilance.

General Houston's Wound.—The wound that General Houston received in the battle proved to be of such a serious nature, that he was forced to go to New Orleans for medical attention. General Rusk succeeded him as commander-in-chief.

Treaty between Texas and Santa Anna.—In answer to Houston's summons, President Burnet and his Cabinet hurried to the camp, where they entered into negotiations with the Mexican Dictator. Two members of the Cabinet were opposed to any treaty with Santa Anna. They claimed that he was a murderer, and should be so treated; that his rank should not shield him from the punishment he so richly deserved; that as he had shown no mercy to the Texans, so should the Texans show him no mercy. Fortunately, wiser counselors triumphed, and Santa Anna was saved. Thus Texas retained the respect and admiration of the civilized world, something she needed more than vengeance. After much discussion, two treaties were made. The public treaty, drawn up at Velasco, May 14, 1836, provided,—1. That Santa Anna should not take up arms nor use his influence against Texas in her war for independence. 2. All hostilities should cease at once. 3. The Mexican troops should withdraw beyond the Rio Grande, should respect all private property, and restore all property previously captured. 4. The Texans should not approach nearer than five leagues to the retreating Mexican troops. 5. All American prisoners should be released. 6. The treaty should be immediately sent to Filisola that he might act

accordingly. 7. Santa Anna should be sent to Vera Cruz as soon as it was deemed proper. In a secret treaty made at the same time, Santa Anna promised to prepare the Mexican Cabinet, (1) to receive favorably any commissioners sent by the Texan government, (2) to acknowledge Texan independence, and (3) to enter into a treaty of commerce with Texas.

Santa Anna's Release.—In accordance with these agreements, President Burnet permitted the prisoner (June 1) to embark on a vessel bound for Mexico. Before the vessel could sail, a great cry of indignation rose from the soldiers and many of the people; they demanded that Santa Anna be given up to the soldiers. In vain the President tried to show them how the world would condemn the nation that violated its own treaty, and the benefits Texas might reasonably hope from Santa Anna's return to Mexico. The Dictator was surrendered to the army; he led a hard life, being sent from place to place, now in irons, now without sufficient food, and ever subjected to numerous insults. Later that year Houston took charge of the matter, and sent Santa Anna with a proper suite to Washington, from which city the weary "Napoleon of the West" turned his face homeward.

Mexican Troops Withdrawn.—Filisola, obeying the orders of Santa Anna, withdrew all his forces beyond the Rio Grande. Texas breathed a deep sigh of relief, and thanked God that the Lone Star Republic was at last the "land of the free" as well as the "home of the brave."

UNANIMOUS DECLARATION OF INDEPENDENCE—

*By the people of Texas in General Convention at the town of
Washington, on the second day of March, 1836:*

When a government has ceased to protect the lives, liberty, and property of the people from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted; and so far from being a guarantee for their inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression—when the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federative republic composed of sovereign States, to a consolidated, central, military Despotism, in which every interest is disregarded but that of the army and priesthood, both of which are the eternal enemies of civil liberty, the ever ready minions of power, and the usual instruments of tyrants—when, long after the spirit of the constitution has departed, moderation is at length so far lost by those in power, that even the semblance of freedom is removed, and the forms even of the constitution discontinued, and so far from their petitions and remonstrances being regarded, the agents who bear them are thrown into dungeons, and mercenary armies sent forth to force a new government upon them at the point of the bayonet;—when, in consequence of such acts of malfeasance and abduction on the part of the government, anarchy prevails, and civil society is dissolved into its original elements;—in such a crisis, the first law of nature, the right of preservation, and the inherent and inalienable right of the people to appeal to first principles, and take their political affairs into their own hands in extreme cases, enjoins it as a right toward themselves, and a sacred obligation to their posterity, to abolish such a government, and create another in its stead calculated to rescue them from impending dangers, and to secure their welfare and happiness.

Nations as well as individuals are amenable for their acts to the public opinion of mankind.

A statement of a part of our grievances is therefore submitted to an impartial world, in justification of the hazardous but unavoidable step now taken, of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness, under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and republican form of government to which they had been habituated in the land of their birth, the United States of America.

In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by General Antonio Lopez Santa Anna, who, having overturned the constitution of his country, now offers us the cruel alternative, either to abandon our homes, acquired by so many privations, or to submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It has sacrificed our welfare to the State of Coahuila, by which our interests have been continually depressed, through a zealous and partial system of legislation, carried on at a far distant seat of government, by a hostile majority, in an unknown tongue, and this, too, notwithstanding we have petitioned, in the humblest terms, for the establishment of a separate State government, and have, in accordance with the provisions of the National Constitution, presented to the general Congress a republican constitution, which was, without just cause, contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause than a zealous endeavor to procure the acceptance of our constitution, and the establishment of a State government.

It has failed and refused to secure, on a firm basis, the right of trial by jury, that palladium of civil liberty, and only safe guarantee for the life, liberty, and property of the citizens.

It has failed to establish any public system of education, although possessed of almost boundless resources (the public domain); and although it is an axiom in political science, that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty or the capacity for self-government.

It has suffered the military commandants stationed among us to exercise arbitrary acts of oppression and tyranny, thus trampling upon the most sacred rights of the citizens, and rendering the military superior to the civil power.

It has dissolved, by force of arms, the State Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government, thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial, in contempt of the civil authority, and in defiance of the laws and the constitution.

It has made piratical attacks upon our commerce by commissioning foreign desperadoes, and authorizing them to seize our vessels, and convey the property of our citizens to far distant ports for confiscation.

It denies us the right of worshiping the Almighty according to the dictates of our own consciences, by the support of a national religion calculated to promote the temporal interests of its human functionaries, rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defense—the rightful property of freemen—and formidable only to tyrannical governments.

It has invaded our country, both by sea and land, with the intent to lay waste our territory and drive us from our homes; and has now a large mercenary army advancing to carry on against us a war of extermination.

It has, through its emissaries, incited the merciless savage with the tomahawk and scalping-knife, to massacre the inhabitants of our defenseless frontiers.

It has been, during the whole time of our connection with it, the

contemptible sport and victim of successive military revolutions, and has continually exhibited every characteristic of a weak, corrupt, and tyrannical government.

These, and other grievances, were patiently borne by the people of Texas, until they reached that point at which forbearance ceased to be a virtue. We then took up arms in defense of the national constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain. Though months have elapsed, no sympathetic response has yet been heard from the interior. We are, therefore, forced to the melancholy conclusion that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military government; that they are unfit to be free, and are incapable of self-government.

The necessity of self-preservation, therefore, decrees an eternal political separation.

We, therefore, the delegates with plenary powers, of the people of Texas, in solemn convention assembled, appealing to the judgment of a candid world as to the necessities of our condition, DO HEREBY DISSOLVE and declare that our political connection with the Mexican nation has forever ended; and that the people of Texas do now constitute A FREE, SOVEREIGN, AND INDEPENDENT REPUBLIC, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we confidently and fearlessly commit the issue to the decision of the Supreme Arbiter of the destinies of nations.

Richard Ellis,
C. B. Stewart,
James Collingsworth,
Edwin Waller,
Asa Brigham,
J. S. D. Byrion,
Fras. Ruis,
J. Anto. Navarro,
J. B. Badgett,
W. D. Lacy,
William Menifee,
John Fisher,
M. Coldwell,
W. Motley,

L. D. Zavala,
George W. Smyth,
S. H. Everitt,
E. Stapp,
Clac. West,
W. B. Scates,
M. B. Menard,
A. B. Hardin,
J. W. Bunton,
Thomas G. Gazeley,
R. M. Coleman,
S. C. Robertson,
George C. Childress,
B. Hardiman,

R. Potter,
Thomas J. Rusk,
Charles S. Taylor,
John S. Roberts,
R. Hamilton,
C. McKinney,
A. H. Lattimer,
James Power,
Sam Houston,
David Thomas,
E. Conrad,
Martin Parmer,
E. O. Legrand,
S. W. Blount,

James Gaines,
W. Clark, Jr.,
S. O. Pennington,
W. C. Crawford,
John Turner,
B. B. Goodrich,
G. W. Barnett,
J. G. Swisher,
Jesse Grimes,
S. Rhoads Fisher,
Samuel A. Maverick,
John White Bower,
James B. Woods,
Andrew Briscoe,

John W. Moore,

Thomas Barnett.

CHRONOLOGICAL SUMMARY.

1833. 1. Convention at San Felipe.
2. Constitution formed.
3. Austin presented to the Mexican officials the Texas Memorial.
4. Austin imprisoned.
1834. 1. Santa Anna repealed the law forbidding American immigration.
2. Santa Anna became Dictator.
1835. 1. Committees of safety formed.
2. General Cos sent into Texas (September).
3. Austin's return to Texas.
4. Battle of Gonzales (October 2).
5. Battle of Conception (October 28).
6. General Consultation (November 3).
7. Henry Smith made Governor; J. W. Robertson, Lieutenant-governor.
8. Archer, Wharton, and Austin chosen Commissioners to the United States.
9. Bexar (San Antonio) stormed and captured (December 5-9).
10. Trouble between Governor and Council.
1836. 1. Santa Anna's preparations to invade Texas.
2. Siege and Fall of the Alamo (February 22—March 6).
3. Declaration of Independence (March 2).
4. Burnet made President; De Zavala, Vice-President.
5. Battle of the Colito.
6. Massacre at Goliad (March 27).
7. Santa Anna penetrated into the interior of Texas.
8. Houston's retreat.
9. Battle of San Jacinto (April 21).
10. Capture of Santa Anna (April 22).
11. Mexican troops withdrawn.
12. Treaties with Santa Anna.
13. Houston, President; Lamar, Vice-President.
14. Santa Anna released.

BLACKBOARD ANALYSIS.

ERA IV. REVOLUTION. (1830-1836.)	I. CAUSES OF TEXAS REVOLUTION...	1. Remote Causes....	a. <i>Treatment of Americans.</i>
			b. <i>Settlement of Convicts.</i>
			c. <i>Custom-Houses.</i>
			d. <i>Martial Law.</i>
			e. <i>Union with Coahuila.</i>
		2. Direct Cause.....	Santa Anna's Attempt to force Texas to Recognize him as Supreme Ruler.
	II. CONVENTION AT SAN FELIPE. (1833.)		
	III. SANTA ANNA AND AUSTIN. (1834.)		
	IV. EVENTS OF 1835 (FIRST YEAR OF WAR).....	1. General Cos enters Texas.	
		2. Battle of Gonzales.....	a. <i>Description.</i> b. <i>Results.</i>
		3. Battle of Conception.	
		4. General Consultation.	
		5. San Antonia Captured.	
	V. EVENTS OF 1836 (SECOND YEAR OF WAR).....	1. Fall of the Alamo.	
		2. Declaration of Independence.	
		3. Battle of the Colito.	
		4. Massacre at Goliad.	
		5. Battle of San Jacinto.	
		6. Capture of Santa Anna.	
		7. Mexican Troops Withdrawn.	
	VI. HOUSTON, PRESIDENT; LAMAR, VICE-PRESIDENT.		

ERA V.

ERA OF THE REPUBLIC.

(1836-1845.)

HOUSTON'S ADMINISTRATION.

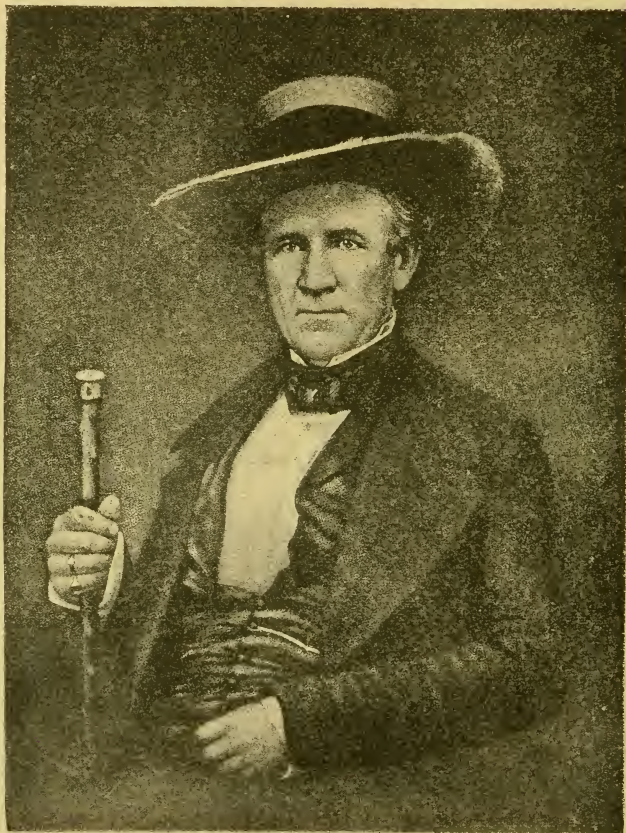
(1836-1838.)

HOUSTON'S ELECTION.—Up to this time the Presidents of the Republic had been merely temporary officers. In September, 1836, the first election according to the Constitution was held, and Houston was chosen President.* At the same time the people voted on the question of annexation to the United States. An overwhelming majority favored this step.

Austin's Death.—Houston showed great wisdom in calling into his cabinet Stephen F. Austin as Secretary of State. Austin's first work in his new office was to prepare instructions for the Texas Minister to Washington. The government had its head-quarters at Columbia, where only the rudest accommodations were to be found. Austin labored constantly for three days and nights in a

* The first President was, according to the Constitution, to serve only two years, but those who followed him were to hold office three years.

room without fire. A severe cold followed, from which, on December 27, he died.



PRESIDENT HOUSTON.

He was mourned not alone by the people of Texas, but by the citizens of the United States.

Difficulties.—The difficulties that Houston and his Congress had to deal with were numerous. The public debt amounted to \$2,000,000; the population was scarcely fifty thousand, and most of them did not see a dollar from year's end to year's end. Mexico had by no means given up her claim to Texas, and was constantly threatening another invasion.* The Mexican navy blockaded our ports and destroyed our commerce. The Texan army was idle in camp. Being impatient at not receiving the pay for which they had long waited, they were ready to find fault with every public official. The judicial affairs of the country were in a deplorable condition. The Indians were exceedingly troublesome, as the Mexicans urged them on to every species of savage treachery.

HOW THESE DIFFICULTIES WERE MET.

(1.) **Debts.**—Congress issued scrip, which entitled the purchaser to a certain number of acres of Texas land, to be located wherever he wished. Many of the public creditors willingly accepted this scrip in part payment. Half a million dollars in government notes were issued; these were good for the payment of all taxes and other public dues.†

* When Santa Anna reached Mexico, he found himself powerless. Those who had been his greatest admirers while he was the Dictator, now that he returned a defeated general, set free from prison, had only cold looks and scornful smiles for him. Even had Santa Anna desired to keep his word as given to President Burnet in the secret treaty, he would have been unable to do so. He retired to his country seat, contented to bide his time till Fate should once more favor him.

† During the first year of Houston's administration there was paid into the treasury only five hundred dollars of actual money.

(2.) **Mexico.**—Affairs in Mexico grew worse and worse. One revolution followed another. The country was so disturbed that Filisola dared not invade Texas as he had prepared to do. Mexico needed all her soldiers at home, and Texas was left in peace.

(3.) **Texan Army.**—The army could not be disbanded so long as it was unpaid. Houston hit upon this wise plan: he granted furloughs to most of the soldiers. In this way the army was reduced to a mere garrison.

(4.) **Judicial Reforms.**—The Spanish code of laws and judicial methods were entirely abandoned; those of the United States were adopted.

United States and Texas.—The great majority of Texans were anxious not only that their independence should be recognized by the United States, but that Texas be admitted to the Union. A resolution declaring Texas to be a free and independent country was introduced into the United States Senate, March 1, 1837. A brilliant debate followed, in which Henry Clay and John C. Calhoun favored the matter. On March 2, the resolution passed by a small majority, thus making that day one to be doubly celebrated by Texans. The question of annexation was then brought up, but met with little favor from the wisest heads of the time. Acting upon President Jackson's advice, Houston instructed Anson Jones, then Minister to the United States, to withdraw the proposition of annexation.

Lamar and Burnet.—As the law made the President ineligible to succeed himself, Houston was not a candidate

for re-election. In September, 1838, Mirabeau B. Lamar and David G. Burnet were elected President and Vice-President of the Republic.

LAMAR'S ADMINISTRATION.*

(1838-1841.)

Foreign Affairs.—In 1839, France officially recognized the independence of Texas and sent over M. de Saligny as Minister.† In 1840, England, Holland, and Belgium welcomed the young Republic into the family of nations.

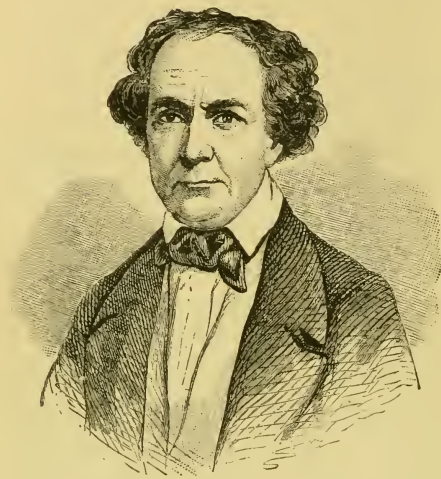
* Mirabeau B. Lamar, the descendant of an ancient Huguenot family, was born in Georgia, in 1798. After an honorable public career in his own State, he visited Texas (1835), and was so pleased that he decided to make it his home. He won the admiration of both officers and soldiers, by daring bravery in the battle of San Jacinto. Under Burnet's administration he was Secretary of War; in 1836 he was elected Vice-President. During the war between Mexico and the United States, Lamar showed himself a gallant commander. In 1852 he was United States Minister to the Argentine Republic. He was peculiarly winning in his manners and courtly in his carriage; his literary taste was remarkably fine; he has been called the Chevalier de Bayard of Texas History. His early manhood was saddened by the death of his wife and child. In 1851 he married again, and in 1857 was able to write:

“Like yon declining sun, my life
Is going down all calm and mild,
Illumined by an angel wife,
And sweetened by a cherub child.”

He died December 19, 1861.

† While the matter of acknowledging Texas' independence was being discussed, General Henderson, the Texas Minister, was asked the population of the Republic. The General was between two fires. He wished to make the population as large as possible, so as to produce a favorable impression; yet there was present M. de Saligny, who had just returned from Texas, and knew the state of affairs. The Minister resolved to trust to French politeness, so, turning to Saligny, he said: “Will not Monsieur de Saligny answer that question?”—“Certainly,” was the reply. “I think about one million would cover the number of your citizens.” General Henderson was more than satisfied, as sixty thousand would have been a most generous estimate. . . . France remained extremely friendly

Indian Troubles.—While Houston believed in using all possible kindness toward the Indians, Lamar's policy



PRESIDENT LAMAR.

was entirely different; he thought force alone had any influence upon savages, and proposed to use the sword unsparingly. A vigorous campaign was waged against the Cherokees. They were forced to give up their rich lands and seek other homes. Lamar and his supporters claimed that the Cherokees had no just title to these lands, and even if they

had, that the title was forfeited when the Indians joined the Mexicans against the Texans. Others believed the Cherokees had every right to their homes, and that they

with Texas until 1841, when a pig came near making serious trouble. A pig belonging to an Austin hotel-keeper, chanced one day to wander into the stable of M. de Saligny and help himself to a generous supply of corn. The French hostler immediately killed the pig, whereupon the landlord horsewhipped the hostler. Saligny, angry at this treatment of his servant, made complaint, and the landlord was bound over to appear before court. A few days afterward, Saligny was in the hotel, when mine host rushed up to him and ordered him out of the house. Imagine Saligny's rage, that he, the Minister of France, should be so insulted by a "common Texan." As the government did not make sufficient amends, he left the country. The President, however, managed to satisfy him, and all was once more harmonious,

were much superior to other red men. Lamar kept his troops busy warring with every tribe that showed itself unwilling to obey his commands.*

Financial Troubles.—The financial outlook of Texas grew gloomier each year. The promissory notes issued by the Republic fell lower and lower, until they became nearly worthless. Though there was no money to pay even necessary expenses, the government was mapped out on a grand scale. The President received \$10,000 per year, each member of the Cabinet, \$3,500; many needless officers were employed. It was no wonder that no European nation was anxious to loan money to a country whose expenses were \$900,000 per year, while its income was only \$180,000.

Mexico and Texas.—Troubles at home and war with France† gave Mexico so much to do that she had little time or means to harass Texas. The feeling between the two countries was beginning to grow less bitter, when, unfortunately, the *Santa Fe Expedition* was organized. Texas claimed all lands east of the Rio Grande, but had never been able to establish her authority over the western part of this country. The people of New

* It may seem very cruel to the young student, when he reads how the Indians were driven from place to place, and hunted down like beasts, but he must remember the provocation his Texas ancestors had. In those dark days, no mother on our broad Western prairies ever rocked her babe to sleep at eventide, without the fear that the morning would find it torn from her arms and murdered by the red men, who listened to no entreaty, whose hearts knew no such feeling as pity.

† In this war Santa Anna again came to the front; he succeeded in winning back his popularity, and lost a leg in the service of his country.

Mexico were said to be anxious to throw off the tyranny of Mexico and enjoy the liberty of the Texan Republic. With the approval of Lamar, but against the wishes of Congress, in 1841 a band of three hundred and twenty men started to Santa Fe. The expedition was not one of war, as the Mexicans claimed; its purposes were to open trade between Texas and New Mexico, to give the inhabitants an opportunity to unite themselves to Texas, and to explore the intervening country. Mexico believed the only true reason for the expedition was the desire of Texas to win New Mexico, and that these three hundred and twenty adventurers were really an invading army. On the long march to Santa Fe the Texans suffered all the tortures of hunger and thirst, were attacked by the Indians, exposed to violent storms and prairie fires. When at last they reached their destination, they found all the country roused against them and the Mexican soldiers waiting to entrap them. One of their most trusted officers turned traitor, and surrendered the entire band to the most savage of Mexican officers. After being imprisoned for a time, they were marched down into Mexico, enduring on the way every species of cruelty that Salezar could inflict upon them. On reaching Mexico, they were forced as a chain-gang to perform the foulest labor. At night they were imprisoned, often among the most hardened criminals. At length Texas and the United States succeeded in having them released.*

* For days the prisoners had no food save an ear of raw corn. The favorite amusement of Salezar was to call the half-starved men about him and toss into

Removal of Capital.—As a majority of the people strongly objected to Houston remaining the capital, in 1839 a committee was appointed to select a new site. After a careful survey of the Republic, Austin was chosen. Though it was in the center of the geographical bounds of Texas, yet it was in an uninhabited region. The nearest settlement, Bastrop, was thirty-five miles distant. Toward the west there was no town nearer than San Antonio. Indians made frequent raids upon the infant city. Nothing daunted by all this, the brave pioneers went to work to build up a metropolis. In August, the first town lots were sold; by November, Congress and the officers of the Republic were settled in the new capital.*

Progress.—In spite of many drawbacks, Texas was steadily progressing. Trade gradually increased. During three months of 1840, ninety-two vessels came into

the air fifty small meal cakes. He looked on highly pleased as they scrambled for the morsels of food. At night they were compelled to lie on the frozen ground, with no shelter from the fierce northerns and beating hail. On one occasion they complained bitterly, and asked Salezar to allow them to enter some houses that were near by. He, in answer to their request, had one hundred and eighty men to march into two small rooms that could not accommodate more than twenty. The only ventilation came through a small window in the front room. After nearly suffocating, the Texans hurled themselves against the locked door to force it open, but did not succeed. Finally, as a special kindness, Salezar permitted fifty of the Texans to come out and sleep in the piercing cold. Those who fell by the wayside were shot, and their ears cut off to show they had not escaped.

* The men who surveyed Austin were delighted to notice a strong resemblance between the view south of Capitol Hill, in Austin, and the landscape south of the United States Capitol at Washington. As one stands on Capitol Hill, he sees Congress Avenue, similar to Pennsylvania Avenue, Colorado River and Heights, a match for the Potomac and Arlington Heights.

Galveston Harbor. Houston grew rapidly. The Brazos, Trinity, and Colorado were alive with steamers. Texas imported less and exported more.

Education.—During this administration, the first effort was made to establish a system of public schools.* Each county was granted three leagues of land for school purposes, while fifty leagues were set apart for a State university.

New Officers.—In September, 1841, Houston was again chosen President, and Edward Burleson was made Vice-President.

HOUSTON'S SECOND ADMINISTRATION.

(1841-1844.)

Houston's Policy.—The President, soon after his inauguration, announced his intention of trying more peaceful measures in dealing with the Indians. He asked Congress to establish trading posts on the frontier. This was done, and it was soon found that the savages gave less trouble. Houston recommended rigid economy in all public matters. This was, in a measure, adopted, and the expenses of the Republic decreased. He advised the greatest moderation in dealing with Mexico, showing that Texas was in no condition to invade that country, and that any rash movement might bring on endless trouble.

* Anson Jones says, in a letter written from New Orleans about this time: "The lack of schools keeps thousands of immigrants from Texas. Congress must take active steps in the matter, or the future of the Republic will be gloomy."

Mexican Invasion.—In March, 1842, the inhabitants of San Antonio were surprised by a Mexican force appearing before their town and demanding its surrender. As they had no means of defending themselves, the citizens were forced to yield. A small band of Mexicans also took possession of Refugio and Goliad. After remaining only two or three days in the captured cities, the Mexicans retreated to the Rio Grande.

Cause of Invasion.—That Santa Anna even dreamed he could subdue Texas and make her once more bear the Mexican yoke, is not to be believed. He had seen enough of Texan bravery and patriotism to know that to be impossible. He was unwilling to acknowledge Texas an independent country, and took this manner of letting her know she was still considered a part of Mexico.

Texan Resistance.—The news of the capture of San Antonio quickly spread throughout the Republic. In a few days, three thousand men had volunteered. Before they could gather, however, the enemy had gone. Many were anxious to cross the Rio Grande and pursue the Mexicans, but the wiser heads, knowing Texas had no money to carry on a war, persuaded the patriot army to await a better opportunity.

Special Session of Congress.—In June, 1842, the President called a special session of Congress to meet at Houston.* Congress realizing that the Republic was in

* Houston was named as the place of meeting, because Austin was not considered safe, as it was thought the Mexicans would soon make a strong effort to

danger, passed a bill authorizing Houston to assume the powers of a dictator, and to sell ten million acres of public land to defray the expenses of an offensive war against Mexico. Houston vetoed this bill. As, however, there was not a dollar in the treasury to pay agents to dispose of this land, the measure would really have done no more good than would "a resolution to appropriate ten million acres of blue sky."

Second Invasion.—In September, 1842, General Woll, with twelve hundred Mexicans, crossed the Rio Grande. He captured San Antonio, and made prisoners the members of the District Court that was then in session.

Battle at the Salado.—News of this second invasion caused the Texans to rush to arms without delay. They met the enemy on the Salado, a few miles from San Antonio. A battle followed. The Texans won, and the Mexicans retreated into their own territory.

Mier Expedition.—Texan troops continued to collect near the frontier. They asked to be led into Mexico, that they might revenge themselves for some of the many wrongs that Santa Anna and his officers had inflicted upon them. After several weeks of inaction, during which the soldiers grew dissatisfied, and made no

capture that city. When the officers wished to remove from Austin to Houston some State papers that were needed by Congress, the people of Austin objected. They claimed that Houston was partial to the city named in his honor, and was continually planning to move the capital back to Houston. When the officers insisted upon having the documents, the citizens took up arms, stationed guards over the archives, and threatened to shoot down any one who dared try to remove any governmental property. Fortunately no blood was shed. The papers remained in Austin.

secret of their feelings, General Somervell ordered the army to disband. Three hundred of the men did not obey the command, but remained near the border. After the General's departure, they elected William S. Fisher commander. Embarking in boats, they sailed down the Rio Grande until they came to a point opposite the Mexican town, Mier. Pitching their tents on Texan soil, the little band then crossed into the enemy's country. They were met by General Ampudia (äm pōō'de ä), with two thousand men. After a hard struggle, in which our men showed wonderful bravery, the Mexicans were so weakened that they were on the point of giving up the town.

Surrender of the Texans.—At this point, where Mexican valor failed, Mexican trickery succeeded. A white flag was sent out; the bearer told the Texans that General Ampudia had seventeen hundred regular troops in Mier; that a re-inforcement of eight hundred fresh men was expected every moment; that the General admired the bravery of the Texans, and wished to save them from the certain destruction that awaited them, if they continued the battle; that, if they refused the generous offer of surrender Ampudia was ready to make, they must expect no quarter. It seems strange that the Texans had not learned by this time to never trust the Mexicans, promises or no promises. But General Fisher was badly wounded, and many of their number were suffering intensely from serious wounds; nor did they know the true state of affairs, that a few moments more of hard fight-

ing would have won the victory for them.* It was decided to accept the "generous terms" offered by the enemy.† Many of the Texans were bitterly opposed to the surrender. Some shed tears as they saw the majority of their comrades give up their arms.

Treatment of the Prisoners.—Then began the old story. Though the Texans had been promised that they should be kept near the border and soon exchanged, in a few days they were started upon a wearisome march into the interior of Mexico. Thirst, hunger, cold, heat, dust, fatigue—all these, and even more miseries, were heaped upon them.

Escape.—On February 11, the prisoners overpowered their guards, armed themselves, conquered the cavalry guard, took what horses they could get, and to the number of one hundred and ninety-three started for home. Instead of keeping in the main road, and trusting to their power to conquer any force they might meet, they tried to make their way over the mountain paths. They soon became lost. Days passed, and they knew not which way to turn. Food was so scarce that it was necessary to kill their horses. Many a rough soldier, who had without a sigh slain a dozen human beings in battle,

* General Green says if General Fisher had not been wounded, Ampudia's offer would never have been accepted. Green thinks an army should never be guided by a sick or wounded man.

† The first of these articles of surrender reads thus: "All who give up their arms will be treated with the consideration which is in accordance with the magnanimous Mexican nation!" Green says: "The interpreter took good care to translate this 'with all the honors and consideration of prisoners of war.'"

wept as he stabbed the animal that had so faithfully served him. Water failed them. As the time passed and no water was found, many, overpowered by the fever brought on by tormenting thirst, lay down to die.* Scores of them became so weak that they threw away their arms, and pressed on in the mad search for water. While in this condition, they were met by a company of Mexican cavalry. Of course, their capture was a work of no difficulty.

The Fatal Lottery.—On March 25, the prisoners, who were now heavily ironed, received news at Salado, that every tenth man among them was to be shot; this was a punishment for their attempt to escape. Colonel Mexier, who was first appointed to superintend the massacre, positively refused to have any thing to do with so inhuman a crime. Santa Anna had no trouble, however, in securing some one to take Mexier's place. The prisoners, heavily guarded, were marched into a court-yard. The Mexican officer took an earthen mug, in which he placed one hundred and fifty-nine white beans and seventeen black ones. The men who drew the black beans were to be shot. What a scene was that! Not a Texan flinched. The brave Captain Cameron, who was the first to draw, advanced with a firm tread toward the vessel that contained life and death, saying: "Well, boys, we have to

* "Some chewed prickly pear leaves, but this astringent only increased their sufferings; others, with tongues so parched and swollen that they could not close their mouths, were scratching in the shade of bushes for cool earth to apply to their throats and stomachs. Of the one hundred and ninety-three men who fled, only nine made good their escape to Texas."—*Green*,

draw, so let's be at it." He drew life, but there was no joy in his face, for he knew that seventeen of his comrades must suffer. Indeed, those who drew the fatal colors were less moved than the fortunate ones. At dark, the condemned were moved to a neighboring court, where they were shot.*

Fate of Remaining Prisoners.—The prisoners who were left were placed in the gloomy fortress of Perote (pā ro'tā). This was considered such a strong castle, that it was thought the Texans could not escape. Two parties, consisting of sixteen men each, succeeded in getting away by such clever contrivances, that the Mexicans claimed they were assisted by Satan! The remaining prisoners were held till the death of Santa Anna's wife, September, 1844. Some say her dying request was that the Texans might be released; others claim that the sincere grief that her loss caused him made the President merciful.†

Minute Men.—Returning to affairs in Texas, we find that, after the second invasion, Congress ordered (December, 1842) six companies of militia to be ready for instant service. General Thomas Rusk was appointed com-

* So cruel were the executioners, that they shot some of the men not less than fifteen times.

† As we have so much evil to record against Santa Anna, justice demands that we give the student an account of a good deed that he did soon after the battle of Mier. Among the Texans was a boy of only fourteen, J. C. C. Hill, who showed such bravery as to win the admiration of the Mexican officer. The boy's conduct having been reported to Santa Anna, he had him released, took him home, treated him as a son, and gave him the best advantages the country afforded. The boy's influence obtained the release of his father and brother, who were among the prisoners. Young Hill married a Mexican, and became a citizen of his adopted country.

mander. A body of Texas Rangers was also organized to protect the border.

Appeal to the Powers.—Before beginning an offensive campaign against Mexico, the Texas authorities resolved to make an appeal to the Great Powers of the world. A statesman-like paper was prepared, showing that though Texas had won her freedom, and though her independence had been recognized by the United States, England, France, and other powers, yet Mexico continued at war. Texas did not complain of the war in itself, but she did protest against the cruel, inhuman method of warfare that Mexico used; she showed that Santa Anna had violated the law of nations, that Mexico had acted in so barbarous a manner as to rank her among savage rather than Christian nations. Texas now asked that all governments that loved freedom and justice should remonstrate with Mexico. In France and England this paper made a deep impression.* From this time, these two countries seemed to vie with each other in their attention to Texas. Mexico was made to feel that she was arraying the civilized world against herself.

Armistice.—In 1843, an armistice was made between Texas and Mexico, each agreeing that there should be absolute peace, till a formal declaration of war was made by one or both parties.

* Peel and Guizot pronounced it one of the finest pieces of State literature they had ever seen. To Hon. Ashbel Smith, one of Texas' most accomplished sons, is due much of the credit of England's interest in Texas. He became popular in London, and induced many of the leading men to inform themselves upon Texas affairs.

Annexation.—During all this time, the people of Texas still desired to become a part of the United States, while the annexation of Texas became more and more popular throughout the greater Republic. President Tyler strongly favored annexation, and brought the matter before the United States Senate. After careful deliberation, that body (June, 1844) rejected the proposition from Texas.* Andrew Jackson, Tyler, and other warm friends of the measure, felt that this decision was not final; that the people would soon decide the matter themselves. In the Presidential campaign of 1844, "Polk and Texas," or "Clay and no Texas," was the battle cry. France and England did all in their power to keep Texas from the United States; among many other inducements, they offered her complete protection from Mexico. This action on the part of these two great nations had a good effect upon the United States. They saw if they did not hasten to receive Texas, she would pass into the power of some other country. Polk's party showed that this would never do, for it would be a direct violation of the Monroe Doctrine; they showed, also, that when England or France once gained a foot-hold in North America, the United States would be compelled, for her own safety, to burden

* There were two reasons why many citizens of the United States opposed the Annexation Bill. First, Mexico still claimed Texas, and said she would fight before she would give her up to another nation; Texas claimed the Rio Grande as her western boundary, while Mexico said the Nueces formed the border. Thus, war with Mexico would surely follow the admission of Texas to the Union. Second, the Texans held slaves; hence, while most of the South favored the bill, the North bitterly opposed it, as it added greatly to the slave-holding territory.

herself with vast standing armies. The election resulted in the choice of Polk. This decided that Texas would soon become one of the United States, if she so desired.

Condition of Texas.—December, 1844, the close of Houston's administration, found Texas improved in finances; the people rejoiced over fine harvests, and every heart elated with the happiness of being at peace with the world, and of being about to become one of the sisterhood of States. Anson Jones and Kenneth L. Anderson were elected President and Vice-President.

JONES' ADMINISTRATION.*

(1844-1845.)

President's Position.—President Jones' position was a most trying one. Annexation was publicly discussed throughout both Texas and the United States. France and England were making every advance to Texas, and offering her strong inducements to remain independent. To keep all proposals unanswered for several months, and give offense to none of the nations, was the task that confronted the President.

* Anson Jones was born in Massachusetts, in 1798. At the age of twenty-two, he was licensed to practice medicine. He immigrated to Texas in 1833, settling in Brazoria. He was strongly in favor of Texan independence, and did good work on the battle-field and in the hospitals. He was a member of the Texan Congress, Minister to the United States, and Secretary of State before he became President. At the annexation of Texas, he retired to his plantation, where he busied himself with his professional and literary labors until 1858, when, in a fit of despondency, he took his own life. His "Republic of Texas" contains much that is valuable to the student of Texas history.

Annexation Bill.—On February 25, 1845, a bill providing for the annexation of Texas passed the House of



ANSON JONES.

Representatives at Washington: one hundred and twenty voted for the bill, ninety-eight against it. On March 1, the Senate voted twenty-seven "ayes," twenty-five "noes." One of the last official acts of President Tyler was to sign the bill, and thus make it a law.

Offers from Mexico.

—Mexico now made the strongest effort to keep

Texas from entering the doors of the Union. She offered peace, lasting peace, on the most favorable terms. Texas had at last learned how little Mexico's promises were worth, and hence paid no attention to them.

Texas Accepts Annexation.—After both the Texan Congress and a Convention assembled for the purpose had reported favorably on the Annexation Bill, the matter was submitted to the people. On October 10, they voted almost unanimously to accept the same. The laws of the United States were extended over Texas in December; on February 19, 1846, both the laws and postal service of the United States became those of Texas, and

President Jones gave way to the first Governor of the State of Texas. Thus the Republic of the Lone Star was by her own hand blotted out from the catalogue of nations, but in her place gleams a radiant planet, that revolves in the peaceful firmament of the "Red, White, and Blue."*

* The following is an extract from President Jones' valedictory, when he turned over the government to Governor Henderson: "The great measure of annexation so earnestly discussed, is happily consummated. The present occasion, so full of interest to us and to all the people of this country, is an earnest of that consummation; and I am happy to greet you, their chosen representatives, and to tender to you my cordial congratulations on an event the most extraordinary in the annals of the world—one which makes a bright triumph in the history of republican institutions. A government is changed both in its officers and in its organization—not by violence and disorder, but by the deliberate and free consent of its citizens; and amid perfect and universal peace and tranquillity, the sovereignty of the nation is surrendered, and incorporated with that of another. The Lone Star of Texas, which ten years since arose amid clouds, over fields of carnage, and obscurely seen for awhile, has culminated, and following an inscrutable destiny, has passed on and become fixed forever in that glorious constellation, which all freemen and lovers of freedom in the world must reverence and adore—the *American Union*. Blending its rays with its sister States, long may it continue to shine, and may generous Heaven smile upon this consummation of the wishes of the two Republics, now joined in one. May the Union be perpetual, and may it be the means of conferring benefits and blessings upon the people of all the States, is my ardent prayer. The first act in the great drama is now performed. The Republic of Texas is no more."

BLACKBOARD ANALYSIS.

ERA V. THE REPUBLIC. (1836-1845.)

I. DAVID BURNET, PRESIDENT AD INTERIM. (See Epoch IV.)

II. HOUSTON'S ADMINISTRATION
(1836-1838).

1. Difficulties.....
 - a. *Debts.*
 - b. *Mexico.*
 - c. *Army.*
 - d. *Indians.*
 - e. *Judicial System.*
2. How Difficulties were Met.
3. Austin's Death.
4. United States Recognizes Texan Independence.
5. United States Refuses to Consider Annexation of Texas.

III. LAMAR'S ADMINISTRATION
(1838-1841).

1. France, England, Holland, and Belgium Recognize Texan Independence.
2. Indian Wars.
3. Financial Troubles.
4. Santa Fe Expedition.....
 - a. *Object.*
 - b. *Journey.*
 - c. *Capture.*
 - d. *Fate of Prisoners.*
5. Capital Moved to Austin.
6. Progress and Education.

IV. HOUSTON'S ADMINISTRATION
(1841-1844).

1. Trading Posts Established.
2. First Mexican Invasion.
3. Second Mexican Invasion.
4. Battle of the Salado.
5. Mier Expedition.....
 - a. *Cause.*
 - b. *Battle at Mier.*
 - c. *Surrender.*
 - d. *Escape.*
 - e. *Capture.*
 - f. *Fate.*
6. Appeal to the Powers.
7. Election of Polk, and Triumph of Annexation Party.

V. JONES' ADMINISTRATION
(1844-1845).

1. Difficulties.
2. Annexation Bill Passes United States Congress.
3. Offers from England, France, and Mexico.
4. Texas Admitted to the Union.

ERA VI.

ERA OF THE STATE.

(1846-1888.)

HENDERSON'S ADMINISTRATION.*

THE GOVERNORSHIP.—The Convention that President Jones called to form a State Constitution, provided that the Governor should hold office two years, and that he should have the power of veto.

Opening of the Administration.—Governor Henderson's administration opened with the brightest prospects. Texas, freed from all those cares that the central government assumes, felt as if she had a great burden rolled

* J. Pinckney Henderson was born (1809) in North Carolina. His boyhood was characterized by an intense love for his mother, and great diligence in study. He said that while at college he frequently studied eighteen out of the twenty-four hours. At the age of twenty-one he was admitted to the bar. In 1836, he forsook his profession, raised a company of volunteers, and came to Texas. In a few months he was made Attorney-general. In 1837, he was sent as special Minister to England and France to win from them recognition of Texan Independence. After much skillful labor, he succeeded in his mission and returned home. In 1844, he was sent as Minister to the United States to bring about annexation. At the close of his term as Governor, he refused to become a candidate for re-election. In 1857, he was selected to fill a vacancy in the United States Senate. Before, however, he could become fully installed in his new place of honor, Death claimed him for his own.

from her shoulders. Her debts were still great, but her



GENERAL ZACHARY TAYLOR.

credit now was all she could wish. Her public lands were rapidly increasing in value. Immigration poured into her borders. She offered homes "without money and without price." Houston and Rusk* were sent to the United States Senate. With such officers at home and abroad, Texas might well rest at her ease.

War Between United States and Mexico.—

When Mexico saw that, in spite of all her efforts, Texas was about to become

* In 1803, at a small village in South Carolina, Thomas Jefferson Rusk was born. His genius and industry won the admiration of John C. Calhoun, by whose aid he gained an education and was licensed to practice law. After a visit to Texas, he was so pleased with the country that he determined to make it his home. Under Burnet he became Secretary of War. He spent much time in the Texas camp and often, in the darkest days, his eloquence roused the drooping spirits of the patriot army. At the battle of San Jacinto he was conspicuous for his bravery. In 1837, he was in the Texan Congress. Soon after he went against the Indians, who were proving troublesome, and thoroughly defeated them. After serving as Chief Justice, he was made President of the Annexation Convention, and was elected United States Senator from Texas. In 1857, to the surprise and grief of all his friends, he committed suicide. The loss of his wife the year before is supposed to have been the cause of this sad termination of a useful life.

one of the United States, she became very angry. Her Minister at Washington was called home. The United States Minister to Mexico was refused recognition. Texas was informed that, in the Union or out of the Union, she still belonged to Mexico. As Mexico had already done much to arouse the enmity of the United States, the news of war was gladly received. Under the leadership of General Winfield Scott and General Zachary Taylor, the war was one continued triumph for the Americans.*

Texas took an active part in the war; her gallant Rangers, under Colonel Jack Hays, won lasting fame. The Governor left his civil duties in charge of Lieutenant-governor Horton and took his place in the army. He was made a Brigadier-general, and so distinguished himself at Monterey, that Congress voted him a sword. On September 14, 1847, the city of Mexico, notwithstanding her strong fortifications, surrendered to General Scott.† The Stars and Stripes waved over the Halls of the Montezumas, and Mexico was forced to give up every claim to Texas and acknowledge herself conquered.

Results of War.—As Mexico had no money to pay the war indemnity, the United States agreed to take land. The Rio Grande was established as the boundary between Texas and Mexico. California, Utah, Nevada, a

* As the Mexican war is fully treated in all United States histories, we have not deemed it necessary to enter into particulars here.

† General Scott was, at one time during the war, ordered to force the Mexicans to furnish his army with such food as they needed. This he positively refused to do, saying the people were too poor to be thus burdened. Imagine a Mexican commander having such consideration for an enemy!

part of Colorado, New Mexico, and the most of Arizona, making a territory four times as large as France, were ceded to the United States. In return for this, our country paid Mexico \$15,000,000, and assumed the debts she owed in the United States.

WOOD'S ADMINISTRATION.*

(1847-1849.)

Legislature.—During this time and the previous administration, the Legislature was busy in establishing courts, erecting public buildings, organizing counties, incorporating towns, and providing for the many other wants of the young State.

Debt.—Much attention was given to the public debt, which, at the lowest estimate, now amounted to over five and a half million dollars. While the creditors knew they would in time be paid, as the public lands were held as security, yet they were becoming impatient. Many plans were proposed for satisfying the creditors, but none suited the majority of the legislators, and the matter was left undecided.

Boundary Troubles.—As has been stated, Texas claimed the Rio Grande as her western boundary, but had never been able to establish her authority over the country about Santa Fe. When the United States took possession

* Little is known of the private life of George T. Wood. In 1836, he came to Texas from Georgia, which was his native State. He was in the Mexican war, and greatly distinguished himself.

of her new territory at the close of the Mexican war, she considered the disputed strip of country as a portion of New Mexico, and proceeded to organize it into a Territory. This caused much bad feeling in Texas. Many of the citizens, led by Governor Wood, favored taking Santa Fe by force. They were told by the United States authorities that if they did so, it would be at their peril. The more impulsive Texans then took this position: "If the United States persist in holding our property, we will withdraw from the Union." The Governor wrote to the President, showing the injustice that was being inflicted upon Texas. Here the matter rested until the next administration.

BELL'S ADMINISTRATIONS.*

(1849-1853.)

The Boundary Question.—By far the most important event of this administration was the settlement of the boundary question. In January, 1850, Senator Benton introduced a bill in the United States Senate, offering Texas fifteen millions of dollars for the portion of New Mexico which she claimed; the bill also provided that Texas should be divided into two States. This measure failed to pass, but the matter was kept constantly before the public mind. In August, Mr. Pearce introduced a

* Hansboro P. Bell, a native of Virginia, came to Texas in 1836. In the battle of San Jacinto, he distinguished himself by his bravery. After holding several offices under the Republic, he entered the Mexican war and was made Colonel of Volunteers. His soldiers idolized him. In 1853, near the close of his second term as Governor, he was elected to Congress. Having served as Congressman four years, he married and moved to North Carolina.

"Boundary Bill," which valued the disputed land at ten millions of dollars, but left Texas free to do as she pleased concerning a division of her territory. Texas was required to accept or reject the proposition by December, 1850. One half the purchase money was to be kept in the United States Treasury, to pay the public debt of Texas. On September 4, the bill passed Congress, and in three days the President signed it and sent it to the Texan officials.

Texas Accepts.—While Benton's and Pearson's bills were being discussed in Congress, public feeling in Texas was at a high pitch. Some claimed that the keeping half the money in the United States Treasury was an insult to Texas, that it was equivalent to saying, "Texas is dishonest; she will not pay her debts even if she have the means." Others vowed they would never part with an acre of the soil for which they had "fought and bled." The demagogues of the day told the people this was the first step of the central government toward assuming absolute power. On the other hand, the wiser leaders argued that Texas had already as much land as she could manage; that she was deeply in debt, and her creditors were daily growing more pressing; that there was no use in one generation bearing all the burdens and leaving those who came after nothing to do.* A special

* Among these was Houston. In the United States Senate he said: "Texas makes no new claim. She made the same prior to annexation. But Texas is loyal; she has assented to every thing that goes for her peace, and she will be magnanimous in this. If we do yield, however, we should do it as parties in a matrimonial alliance, who have determined to say 'yes' anyhow."

session of the Legislature was called, and the offer of the United States was accepted by an overwhelming majority.*

Results.—Texas was now free from debt and had a fine surplus in her treasury. She at once began the erection of a State Capitol, Treasury Department, Comptroller and Land Office.

Henderson as Governor.—When Governor Bell was elected to Congress, J. W. Henderson, Lieutenant-governor, succeeded to the gubernatorial chair. At the election in the fall of 1853, Elisha M. Pease was chosen Governor, and D. C. Dickinson, Lieutenant-governor.

PEASE'S ADMINISTRATIONS.†

(1853-1857.)

Public Debt.—When Congress came to settle the debts of the Texas Republic, it was found that the five millions kept in the United States Treasury for that purpose would not be enough. At this point, Texas presented a bill against the United States for money spent in defend-

* By this action, Texas sold 56,249,640 acres of land for \$10,000,000, moving her boundary line from the Rio Grande to the line that now separates her from New Mexico.

† Elisha M. Pease was born in Connecticut in 1812. He came to Texas in 1835. He held the offices of Chief Clerk in the Navy and Treasury, Comptroller of Public Accounts, State Representative, and State Senator. In 1853, he was chosen Governor. In 1855, he was re-elected by a handsome majority. In 1867, General Sheridan appointed Pease Provisional Governor, but he resigned in 1869. In 1879, he accepted the office of Collector of Customs at the port of Galveston. He was a man of strong convictions and resolute purpose. Being opposed to secession, he took no part in public affairs during the war.

ing the borders from Indians who lived in the United States. To grant justice to all, in February, 1855, Congress appropriated \$2,750,000 more for Texas' claims. Every debt was then paid, much to the relief of all concerned.

Railroad Law.—The population of Texas was increasing, but not as rapidly as was desired. Her wisest men saw that to people so large an area would be the work of a century, unless the railroads could be induced to join North and South, East and West, by their magic bands. To bring this about, the Legislature offered sixteen sections of land for every mile of road built. The railroad companies, however, were obliged to construct twenty-five miles of road before they became entitled to this offer. The State did even more; if the companies lacked money, she loaned it to them on favorable terms.

School Funds.—Governor Pease was a warm friend of public education. He recommended the Legislature to set aside a permanent school fund, and to establish a State University. The Legislature appropriated two millions of the money received from the United States for a permanent school fund, thus taking the first practical step toward building up a public-school system in Texas.*

Public Institutions.—In August, 1856, the Legislature appropriated one hundred thousand acres of land for each

* The first public school in the State was opened in San Antonio, in 1854. It will surprise the pupil of to-day to learn that the Constitution then provided that only the poorest children should be admitted to free schools. So long as this was the case, the schools were, of course, badly attended, and still more badly taught.

of four asylums—the blind, the deaf and dumb, the insane, and the orphan. The first two of these were opened during Pease's administration. The new Land Office and the Governor's mansion were also built during this time.

Troubles with Mexican Laborers.—Affairs in Mexico were in such a troubled state, that scores of Mexicans sought refuge in Texas. The lowest classes of these people often married negro slaves, whom they then helped to escape from their masters. A violent prejudice against all Mexican laborers sprang up among the Texans. Public meetings were called, in which the planters were advised to employ no Mexican servants. At this time, Mexican teamsters were doing most of the hauling in Southern and Western Texas, for they worked more cheaply than Texan wagoners. In spite of public warnings, farmers and merchants continued to employ the labor they could get for the least money. The Texas workmen then attacked the teams of the Mexicans, stole their goods, killed their animals, destroyed their wagons, and, in some cases, murdered the drivers. Governor Pease, after investigating the matter, ordered out seventy-five militiamen to protect the Mexicans. This ended the trouble.

Indian Affairs.—Determined to do every thing possible to keep the Indians at peace, the fifth Legislature set aside twelve leagues of land for the use of the various tribes. Indian agents were appointed and trading-posts established.

RUNNELS' ADMINISTRATION.*

(1857-1859.)

Railroads.—Governor Runnels was opposed to such large grants of land to the railroads. He showed the Legislature that the railway companies were slow in complying with their part of the contract, and advised that the State be less generous.

Troubles.—A long drought caused the people much loss of crops. There was such constant trouble with the Indians, that they were finally removed from Texas. There arose during these years much of the bitter feeling on sectional affairs that was soon to ripen into the Civil War. In spite of all obstacles, however, Texas continued to grow in wealth and population.

HOUSTON'S ADMINISTRATION.

(1859—March 18, 1861.)

Condition of the Country.—From the day Houston became Governor, all was tumult and confusion. The whole United States was excited over the Presidential election. Most of the Southerners felt that, if Lincoln were elected, war would surely follow. Many felt that

* Hardin R. Runnels was born in Mississippi. He came to Texas in 1841. In 1853, he was Speaker of the House of Representatives. After holding the office of Lieutenant-governor, with Pease, he was, in 1857, elected Governor. His chief opponent was General Houston, who had lost his popularity among the people by his views on the "Kansas and Nebraska Bill." (See U. S. History.) After his term expired, Governor Runnels retired to his plantation on Red River, where he died in 1873.

the slaves were on the point of rebelling. Secession was discussed on every side, and all felt uneasy over the future.

Cortina.—A daring Mexican, Cortina by name, invaded Texas with four hundred men, and by his thefts and murders kept the whole country in terror. Houston appealed to the President for aid. Colonel Robert E. Lee was ordered by the United States authorities, to not only attack Cortina and his band in Texas, but, if need be, to follow them into Mexico, and exterminate them. This had the desired effect. Cortina and his men kept on their own side of the Rio Grande.

The Border.—The Indians, who had been removed from Texas, still looked with longing eyes upon their old homes. Hating the race who had taken their places, they lost no opportunity of coming back by stealth, and doing the whites all the injury their savage cruelty could suggest. The Governor was forced to order out several companies of militia before he succeeded in driving back the Indians.*

* It was during this campaign that our present Governor, General L. S. Ross, rescued the long-lost Cynthia Ann Parker, who had been for nearly twenty-five years a captive among the Comanches. In 1837, a settlement called Parker's Fort was attacked by the Indians. Most of the inhabitants were either killed or captured. Among the latter was Cynthia Ann Parker, then a child of nine years. For five years no trace of her could be found. Colonel Williams happened, in one of his trading tours through the Comanche tribes, to hear of a white maiden who had been adopted by an Indian family. He went to the parents and offered to ransom the girl, but was told that no money could buy her. He was allowed to see Cynthia Ann, but could not persuade her to speak a word. He told her of her relatives, of the boys and girls with whom she had played, and asked her what message he should take back to them, but she would make no

Sectional Troubles.—From the time Lincoln was elected President of the United States (1860), the war-clouds gathered thick and fast. Houston was opposed to the State leaving the Union, and did all he could to prevent it. The great mass of the people favored secession, and had no sympathy with the Governor's views. In January, 1861, Houston called an extra session of the Legislature to consider what should be done.

State Convention.—The people were too excited by this time to wait for, or be satisfied with, the Legislature. They at once elected delegates to a State Convention. This body assembled in Austin, January 28, 1861. On February 1, the all-important question came up. By a vote of one hundred and sixty-six "ayes" to seven "nays," Texas withdrew from the Union. This action was (February 23) submitted to the people, and was ratified by an overwhelming majority, and the last tie that bound Texas to the United States was severed.

reply. Whether she had been ordered by the Indians to be silent, or had forgotten the English language, Colonel Williams could not tell. Cynthia Ann was soon married to a brave young chief, Peta Nacona. She was devoted to him and her children. When the Texans, under young Ross, attacked and defeated the Comanches, Peta Nacona tried to escape with his wife and little ones. He was killed; the two sons fled, and Cynthia Ann with her little daughter, Prairie Flower, was captured. So soon as General Ross noticed her blue eyes, he felt sure she was the Cynthia Ann of whom he had heard so much during his boyhood. She was sent to her uncle, who welcomed her heartily. She did not like the new life, and longed for her wild home with her savage chief. The separation from her boys distressed her. She tried to escape, but her uncle prevented this. Finally she became more reconciled; some remembrance of her childish days returned; she learned English again, and became able to do some forms of domestic labor. In 1864, she and her child died. One of her sons, Quannah Parker, became a chief of the Comanches.

Texas Joins the Confederacy.—The Convention then decided that Texas should join the Southern States in forming the Confederate States of America. All officers were required to take the oath of allegiance to the new government. This was willingly done by all but Governor Houston and Secretary of State Cave. Their offices were at once declared vacant. Houston refused to retire, saying, that neither the Legislature nor Convention had the right to thus deprive him of honors granted him by the citizens. In spite of his protests, Lieutenant-governor Clarke was sworn in.*

CLARKE'S ADMINISTRATION.†

(March 18, 1861—December, 1861.)

Preparations for War.—Nothing was thought of during this time except preparations for war. Texas was divided into eleven military districts; camp instruction was given in each district. By November, there were fifteen thousand Texans in the Confederate army. All intercourse with the North was forbidden. Northern citizens were given twenty days in which to leave the State. The United States troops that were in Texas were forced to

* Houston's last official act was to send a message to the Legislature remonstrating at the injustice they had done him. He then retired to his home in Huntsville. Though strongly opposed to secession, he gave permission to his oldest son to enlist in the Confederate army.

† Edward Clarke was born in Georgia. When he came to Texas, is not known. After holding the offices of State Representative, Senator, and Secretary of State, he was, in 1859, elected Lieutenant-governor,

surrender. All their supplies fell into the hands of the Texans. The Northern vessels completely blockaded the coast.

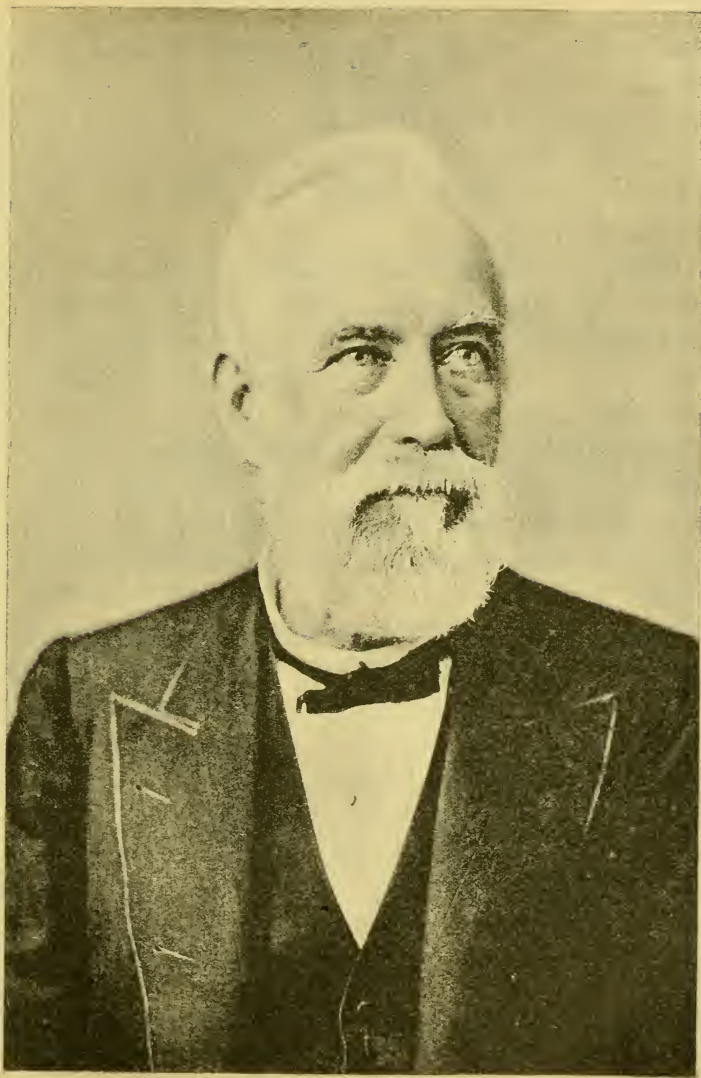
LUBBOCK'S ADMINISTRATION.*

(1861-1863.)

Sibley Expedition.—In the fall of 1861, a brigade was fitted out under General Sibley, to invade the Territory of New Mexico, drive out the Union forces, and take possession of the public property in the name of the Confederacy. This, like the Santa Fe Expedition, was most unfortunate. The Texans found their force too small to accomplish their purpose, as the great majority of the people of New Mexico were strong Unionists. The brigade returned, having gained nothing. Their loss was not less than five hundred men.

Galveston Captured.—In October, 1862, Galveston was

* Frank R. Lubbock was born in South Carolina, in 1815. In 1829, his mother was left a widow, with six children to support. He went to work to care for the family. Influential friends secured for him a West Point cadetship, but he nobly refused it, saying, his first duty was to his mother. When only twenty, he married, his bride being sixteen. In 1836, he came to Texas in search of a younger brother. A few months later, he moved to Houston. In 1837, he was made Comptroller under President Houston. When Lamar became President, Lubbock was thrown out of a position. Not finding more congenial work, he at once began farming and wood-cutting. Such industry was bound to succeed. He soon became a commission merchant, and continued in that business until he was again made Comptroller by Houston. He was, in 1861, elected Governor. At the close of his term, he entered the Confederate army. He was selected by President Jefferson Davis as one of his aides. At the end of the war, Governor Lubbock was imprisoned for seven months. In 1878, he was elected State Treasurer, an office he has held ever since. His cordial manner and sterling character make him universally popular.



GOVERNOR FRANK R. LUBBOCK,

taken by the Northern troops. In December, General Magruder, by a well-planned attack, retook the city, captured several Federal vessels, and frightened away all blockading ships. For a few days, Galveston was once more an open port. In a short time, however, the blockade was renewed.

Battle at Sabine Pass.—Texas was free from further conflicts till September 6, 1863. A fort had been built to defend Sabine Pass. The garrison numbered only forty-one men. On the above-named date, a Union fleet of twenty vessels appeared off the coast, and several of the ships commenced a bombardment. The little garrison at once fired away with all their guns, and so bravely did they keep up the fight, that soon two of the ships were wrecked, while the rest hastily sailed away.

Condition of Texas.—During this administration Texas, of course, suffered from the war, but her lot was much better than that of the other Southern States. She had ninety thousand men in the Confederate army; she voted money in generous sums; her people often gave up their private property; she endured the miseries of the conscript* and of martial law; her mothers, wives, and sisters knew many a heart-ache; but can less be expected from the monster, War? While the women and children in other Confederate States suffered from hunger, the

* By this conscript law every male person, who had passed his sixteenth birthday, unless entirely disabled or unless he was excused by the Constitution, was forced to enlist in the army when called upon.

broad prairies of Texas teemed with rich harvests. No hostile army invaded her territory. She got salt from her own lakes in the south-west. She took her cotton to the Rio Grande and there exchanged it for such goods as the Mexican market afforded; the blockade had no great terrors for her.

Houston's Death.—General Houston died at his home in Huntsville, July 26, 1863. Death hushed all slander, all bitter differences of opinion, and the whole State united to mourn his loss.* .

MURRAH'S ADMINISTRATION. †

(1863—June 17, 1865.)

Few Battles on Texas Soil.—Texas was in the extreme south-west corner of the Confederacy; her population was scant. There was so much to engage the attention of the Northern armies, at the great centers of action, that they had no time to think of Texas, nor did

* Houston's last appearance in public was in March, 1863, when he delivered an address to the people of Houston. From many eloquent sentences we quote the following: "I have been buffeted by the waves, as I have been borne along Time's ocean, until, shattered and worn, I approach the narrow isthmus which divides it from the sea of eternity beyond. Ere I step forward to journey the pilgrimage of Death, I would say that all my thoughts and hopes are with my country. If one impulse arises above another, it is for the happiness of these people; the welfare and glory of Texas will be the uppermost thought, while the spark of life lingers in this breast."

† Pendleton Murrah, a native of South Carolina, moved in his early manhood to Alabama, where he engaged in the practice of law. On coming to Texas, he continued his profession till 1857, when he was sent to the Legislature. In 1863, he was elected Governor. When the Confederacy surrendered, he fled to Mexico. In 1865, he died at Monterey.

they deem it necessary to send large forces into her boundaries. The battles fought in the State were not of such magnitude nor importance as to be accurately recorded by history. Her sons covered themselves with glory upon many a well-fought battle-field. Hood's Brigade was famous for its daring bravery, as were scores of other noble Texans, but their blood reddened the soil of other States of the sunny South Land.

Crops and Manufactures.—During this administration the mills at the Huntsville Penitentiary turned out nearly three million yards of cloth. At Austin and elsewhere large supplies of powder, percussion caps, pieces of artillery, and other articles needed in war were made. Many refugees from Arkansas, Louisiana, and Mississippi fled to Texas, bringing with them their teams and farming implements. The crops made during these two years were enormous; three million bales of cotton were gathered.

Hardships.—Had Peace been ruling over the land, all would have prospered; but so long as cruel War stalked abroad, it was in vain that Mother Nature did her best. There was suffering among the people. One half the cotton was seized by the government, teams were taken from their owners; the planters had to contend against many severe laws of trade; corn-cribs were measured, and only enough left to supply the bare necessities of the possessors. This seems cruel; yet what else was to be done? The soldiers needed food. Other Southern States were filled with devastating armies. Texas alone could supply the demand.

Close of War.—For four years the South had struggled against fearful odds. Having done all that mortals could do, she in 1865 wisely gave up the conflict. After our noble Lee surrendered his sword (April 9, 1865), the remaining Southern forces yielded rapidly.* General E. Kirby Smith made formal surrender (May 30, 1865) of his department, which included Texas.

Lawlessness.—In his message to the Legislature, May, 1865, Governor Murrah said: "Imperative duty compels me to call your attention to the fearful demoralization and crime existing throughout the State. The voice of the law is hushed and its authority seldom asserted. It is a dead letter—an unhonored thing upon the pages of the statute-book." To make the matter worse, Texas was now filled with weary, heart-sick soldiers returning home. When one remembers the unhappy condition of those men, how much they had suffered, and how dark the future appeared, he will not wonder that a few among them grew desperate. There was no law to restrain them. At first only public property suffered, but soon private property was taken. The State Treasury was robbed. Governor Murrah had issued a proclamation ordering all civil officers to use every precaution to protect private property. Soon after the Governor fled to Mexico, and there was no power in the State to enforce his proclamation.

* The last fight in the Civil War took place at Brazos Santiago, Texas, May 13. A Union force was sent out to surprise a Confederate camp. On its return, it was defeated by a band of Southerners, who had rallied for that purpose.

General Granger.—In June, General Granger, of the United States army, took command. He proclaimed the freedom of all slaves, and declared void all laws made by the Texas Legislature that were not strictly in accord with the Constitution of the United States. Soon after, President Johnson appointed A. J. Hamilton Provisional Governor of Texas.

HAMILTON'S ADMINISTRATION.*

(July, 1865—August, 1866.)

Hamilton's Course.—Governor Hamilton, in assuming his new duties, seemed anxious to do all in his power to win back the Texans to a true allegiance to the Union. He issued a proclamation, advising the negroes to prove themselves worthy of their freedom by obeying the law, remaining with their former masters, and working for moderate wages. He was required to fill all offices with men who had been loyal to the Union.

Financial Condition.—An examination (July, 1865) showed that the financial condition of Texas was by no means discouraging. She owed eight and a half million dollars, but over eight millions of this was the war debt,

* A. J. Hamilton was born in Alabama, in 1815. He came to Texas in 1846, and settled in Austin. He held the offices of Attorney-general, Representative, Presidential Elector, and Congressman. He was a Unionist, and refused to leave his post in Congress till Texas had seceded. Returning home in 1861, he found himself unable, in accordance with his conscience, to assist Texas; hence he went back to Washington. He was in 1867 made Associate Justice of the Supreme Court; in 1868 he was a member of the second Reconstruction Convention. He died in 1875, at his home in Austin.

which was declared void. In the Treasury was found \$419,065.37, which left Texas entirely free from debt.

Reconstruction Convention.—The Governor called for an election of a Convention that should reconstruct the State government. No one was permitted to vote at this election except those who had been true to the Union. The Convention met, February 10, 1866, at Austin. It declared "secession a nullity," and gave up all rights to such action; all debts made for the carrying on of the war or the support of the Confederacy were made invalid; all the proceedings of the Convention of 1861 were rendered null and void. The Constitution was amended so as to be fully in accord with the Constitution and laws of the United States. An election for State officers was held, July, 1866. J. W. Throckmorton was chosen Governor, and George W. Jones, Lieutenant-governor.

THROCKMORTON'S ADMINISTRATION.*

(August, 1866—August, 1867.)

The President and Congress.—At this time President Johnson and Congress were at enmity. Whatever Johnson favored, Congress opposed. The student keeping this in mind will not be surprised to find many changes and inconsistencies in the government of the seceded States.

* James W. Throckmorton was born in Tennessee, February 1, 1825. He received a good education and took a thorough course in medicine. He came to Texas in 1841. In 1851, he was elected to the Legislature, where he served several terms. He was opposed to secession, being one of seven who voted against the measure. Yet when Texas seceded, he said: "I shall never draw a sword to stab my State, but shall shoulder my musket and stand by her until death."



GOVERNOR J. W. THROCKMORTON

Military Rule.—In March, 1867, Congress passed a bill placing the South again under military rule. The President vetoed the bill; Congress passed it over his veto. General Sheridan was made military commander. All civil elections were forbidden until they should be ordered by the general government. The tests of registration were made more severe; no one could hold office or vote, who could not take the "iron-clad oath."*

Governor Removed.—During these trying times, Governor Throckmorton did all in his power to carry out the commands of Sheridan's officers, and yet act justly toward his State. In spite of this, on July 30, the following order was issued by Sheridan: "A careful consideration of the reports of Brevet Major-general C. Griffin, of the United States Army, shows that J. W. Throckmorton, Gov-

He entered the Confederate army, and made a noble record. At the close of the war, he retired to his home in Collins County. He was elected a member of the "Reconstruction Convention," of which body he was made President. When he was removed from the Governor's chair by Sheridan, Governor Throckmorton returned home. He remained in private life till 1874, when he was made Congressman. He served in this capacity four years; his health failing, he again retired to private life.

* This oath read as follows: "I do solemnly swear, that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever under any authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile thereto; and I do further swear that, to the best of my ability, I will defend and support the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will faithfully perform the duties of the office on which I am about to enter, so help me God."

error of Texas, is an impediment to the reconstruction of that State, under the law. He is therefore removed from that office. E. M. Pease is hereby appointed Governor of Texas in place of J. W. Throckmorton, removed. He will be obeyed and respected accordingly."

PEASE'S ADMINISTRATION.

(August, 1867—September, 1869.)

General Hancock.—Sheridan was now removed, and General Hancock was placed in command of Texas. Hancock forbade the military to interfere with civil affairs; he encouraged the people to take matters into their own hands; he made the registration laws more lenient. But this displeased the rabid leaders of Congress, and Hancock* was displaced.

Convention Called.—In 1868, it was decided to call a Convention that should form a new State Constitution. This was done with a view of gaining the re-admission of Texas to the Union. Little interest was taken in the matter by the best citizens, who seemed to have fallen into a state of apathy concerning all public matters. Austin was selected as the place of meeting. After much debate, a Constitution was adopted.

Governor Pease Resigns.—Governor Pease, feeling that he could do neither himself nor the State justice while he

* Hancock won the lasting affections of the Texans. When he became a candidate for the Democratic nomination for the Presidency, his nomination was seconded by Governor Hubbard in so eloquent a speech as to win for the orator a national reputation. Texas did not fail to roll up a handsome majority for Hancock in the election.

was under the control of military officers, resigned, September 30. For three months Texas had no Governor, an adjutant performing the duties of executive.

Constitution Adopted.—In November, the new Constitution was ratified by the people. At the same time, according to military orders, an election for State officers was held. Edmund J. Davis was chosen Governor.

DAVIS' ADMINISTRATION.*

(1870-1874.)

Texas Re-admitted to the Union.—Before Texas could be again admitted to the Union, she was required to ratify the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution of the United States. This was done by the Legislature in February, 1870. At the same time United States Senators were elected. On March 30, 1870, by act of Congress, Texas was re-admitted to the Union. Her Senators and Representatives once more entered the halls of Congress. Military rule was withdrawn.

Disabilities Removed.—The "iron-clad oath" had disfranchised most of the native Southerners. This caused

* Edmund J. Davis, a native of Florida, came to Texas in 1848. He held various offices of trust until 1861, when he refused to take the oath of allegiance to the Confederacy. The next year, he went North and joined the Union army, in which he remained till the close of the war. Returning to Texas, he was elected a member of both Reconstruction Conventions, being made President of the second Convention. He was one of six Commissioners sent to Washington to secure the recognition of Texas' new Constitution. Elected Governor in 1869, he remained in office four years, as was the law under the Constitution of that time.

them to take little interest in public affairs. With the return of civil authority, however, the skies grew brighter. Congress passed a bill removing all disabilities from the majority of the ex-Confederates. Those who were not included in this list could secure the full rights of citizenship by applying to Congress; the "iron-clad oath" was no longer required. The Texans awoke from their lethargy, found that they were once more in their Father's house, and resolved to stay there.

Legislative Acts.—In the Legislature a special bill was passed providing for the protection of the frontier. A Homestead Law was formed, granting to every married settler one hundred and sixty acres, and to each single settler eighty acres of land from the public domain. Homesteads were more rigidly protected from seizure or sale. Cities and towns were given the right to grant subsidies for carrying out external improvements. The Governor was given the power to suspend the writ of habeas corpus.* The public-school system received attention; laws were passed to encourage and build up the cause of public education.

Immigration and Railroads.—The population of Texas now increased as never before. During 1872, ninety-one thousand six hundred immigrants came into the State, making a gain of ten per cent. in one year. An immigration bureau did much to inform the world as to the climate and resources of Texas. From that date to the

* This was strongly opposed by the Democrats. Its passage caused much bitter feeling. Governor Davis made use of this power three times.

present time, all other States in the Union, Europe, and Asia have poured into our boundaries a constant stream of humanity.

In 1871, there were only five hundred and eleven miles of railway, while at the close of 1872 there were one thousand and seventy-eight miles in actual operation.

Exciting Election Scenes.—As early as 1872, the Democrats had a majority in both branches of the Legislature, and had elected all Congressmen. In December, 1873, State officers were to be elected. The Democrats nominated Richard Coke and R. H. Hubbard for Governor and Lieutenant-governor. Governor Davis was a candidate for re-election. The campaign was intensely exciting; the result showed a majority of at least forty thousand for Coke and Hubbard. A question as to whether or not the election law was constitutional was raised by the opposing party. The matter was referred to the Supreme Court, which body decided the law to be unconstitutional. The Governor immediately issued a proclamation, forbidding the convening of the fourteenth Legislature, and denying that it had legal existence; the thirteenth Legislature was reconvened. The newly-elected legislators paid no attention to this proclamation; they hastened to Austin, took possession of the upper story of the Capitol, organized, and went to work. Governor Davis refused to recognize them, or hold any communication with them. The night of January 13, 1874, will long be remembered. The ground-floor of the Capitol was occupied by Davis, his officers, and a com-

pany of negro soldiers; above, were the Legislature, their sergeants-at-arms, and guards. Late that night, the election returns were counted, and the Legislature solemnly declared Richard Coke to be Governor of Texas. The gravest fears were entertained, lest the night might close with bloodshed, but such was not the case. Davis was at last forced to yield.

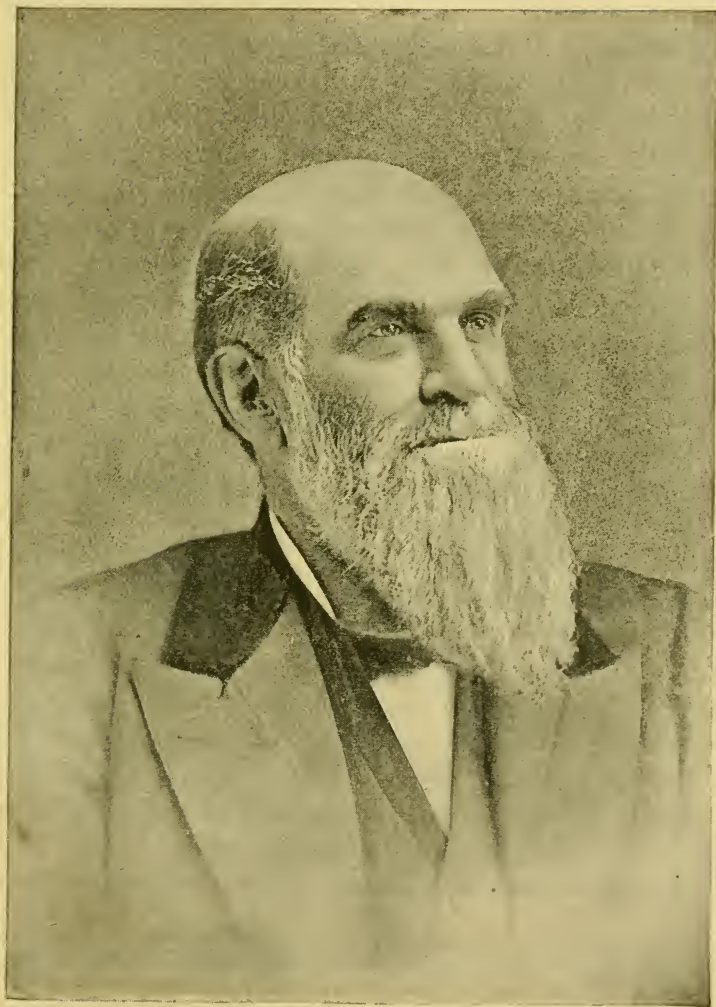
COKE'S ADMINISTRATION.*

(1874-1876.)

Fears of Interference.—Though Coke and Hubbard were installed in office, yet the State was by no means at ease. It was feared that the United States would interfere, as Davis had appealed to President Grant for aid. The President wisely answered that Texas was now a State of the Union, and must manage her own internal affairs. This settled the matter. Davis, seeing there was no possible chance for him to regain his power, retired from the field.

Difficulties.—Difficulties beset the new administration on every hand. As we have seen, at the close of the

* Richard Coke was born at Williamsburg, Virginia, in 1829. At the age of nineteen, he graduated with honor from William and Mary College; a year later, he was admitted to the bar. Moving to Texas in 1850, he located at Waco, where he still lives. He soon became prominent in his profession. He entered the Southern army as a private, served four years, and came out a captain. In 1865, he was made District Judge; in 1866, he became Associate Justice of the Supreme Court, but was soon removed, as an impediment to reconstruction. His career, as Governor, was such as to win the admiration and respect of all. In 1876 and 1882, he was elected United States Senator. He is regarded as one of the leading members of the Senate,



GOVERNOR RICHARD COKE.

war, Texas had no debt worthy of mention; in 1874, she owed three and a half millions, besides various undetermined claims. Many of the taxes had been left for years uncollected. The credit of the State was below par, while her warrants were sold at a heavy discount.

Governor's Course.—Governor Coke employed the same keen business talent in State affairs that he had used so successfully in private life. The laws for collecting taxes were strengthened. An agent was sent East to sell State bonds. In every department of the government true economy was practiced; there was no “penny-wise-and-pound-foolish” policy, but wherever expenses could be reduced, without injury to the interest of the State, it was done.

Constitutional Convention.—The Constitution adopted in 1869 was unpopular among the people. The State officers and legislators found it impossible to remedy many of the evils then existing, so long as the Constitution was in force. On September 6, 1875, a Constitutional Convention met at Austin. After two and a half months of hard work, they presented to the State the Constitution we now have. The Constitution was ratified by the people, the majority being nearly a hundred thousand, while, at the same time, Coke and Hubbard were re-elected by over a hundred thousand votes.*

Agricultural and Mechanical College.—Texas received

* Texas seemed, at this election, to have brought her best men front in all ranks. The fifteenth Legislature, that was selected at this time, is known as one of the most energetic bodies that ever occupied the legislative halls of the Capitol. Much of their success was due to the zeal, talents, and industry of the Speaker of the House, Colonel T. R. Bonner.

from the United States land scrip for one hundred and eighty thousand acres, for the founding of an Agricultural and Mechanical College. This scrip, when sold, brought \$156,600. In 1871, it was decided to locate the college at College Station, four miles from Bryan. Handsome brick buildings were erected. On October 4, 1876, the school opened, with an able faculty.

Coke Resigns.—In May, 1876, Governor Coke was elected to the United States Senate. As he was not to take his seat in the Senate until March, 1877, at Lieutenant-governor Hubbard's earnest request, he did not resign the governorship until December, 1876.

HUBBARD'S ADMINISTRATION.*

(December, 1876-1879.)

Penitentiaries.—The penitentiary question had proved so annoying to several Governors, that each new officer

* Richard B. Hubbard, a native of Georgia, was born in 1832. Graduating at eighteen from Mercer University, he then took the law course at the University of Virginia and at Harvard. In 1853, he came to Texas, and settled in Tyler. He soon became a leading figure in political circles, his burning eloquence winning for him the title of the "Young Demosthenes." In 1856, he was a member of the National Democratic Convention. Soon after, he was made United States Attorney for Western Texas, an office he resigned to enter the Legislature. During the war, he distinguished himself as a Colonel of Confederate Infantry. After the war, he retired to his farm. On his return to public life, he held various offices of trust. In 1873, he was nominated by acclamation for Lieutenant-governor. When Governor Coke resigned, his place was taken by Governor Hubbard. In 1880, ex-Governor Hubbard distinguished himself in the National Democratic Convention, by securing the nomination of Hancock. In 1884, his services were in constant demand as a campaign speaker. In 1885, he was appointed by President Cleveland as Minister Plenipotentiary to Japan. In his new field he shows the same rare talents and strong personal magnetism that won him such popularity in Texas.

looked upon it with dread. The Huntsville Penitentiary had been leased for a term of fifteen years. Complaints .



RICHARD B. HUBBARD.

were constantly being made as to the cruel treatment of the convicts, and various other matters connected with

the management. Governor Hubbard thoroughly investigated the matter, and found much truth in the complaints. He had the State to again assume control of the penitentiary. In a short while, it was re-leased to responsible parties; the rent brought a handsome sum above all expenses. During this administration, the penitentiary buildings at Rusk were erected.

Frontier Protected and Crime Punished.—Governor Hubbard was vigorous in his defense of the frontier, and the results were encouraging. For years bands of robbers and other lawless characters had held portions of the State in terror. The Governor offered heavy rewards for the capture of such persons. Criminals, who had long laughed at the law, were in this way caught and brought to justice. Land forgeries had been extensively practiced, some of the guilty ones being men in the higher classes of society. This was stopped, and, in many cases, the forgers ended their career in the penitentiary.

Debt and Immigration.—In spite of large sums used for purposes mentioned in the last topic, and in spite of the growing expenses of the State, the public debt was reduced nearly a million of dollars. In 1876, Governor Hubbard delivered a Centennial address, setting forth the advantages Texas offered the emigrant. This speech was read throughout the United States; it was translated into French and German, and scattered over Europe. The result was that, during the next few years, Texas received a vast number of immigrants from Europe and America.

Prairie View Normal.—During this period the Prairie View Normal, a combination of a Normal School and an Agricultural and Mechanical College, was founded for the training of colored youths. The Governor was a warm friend of public education, and did all he could to improve the system of schools.

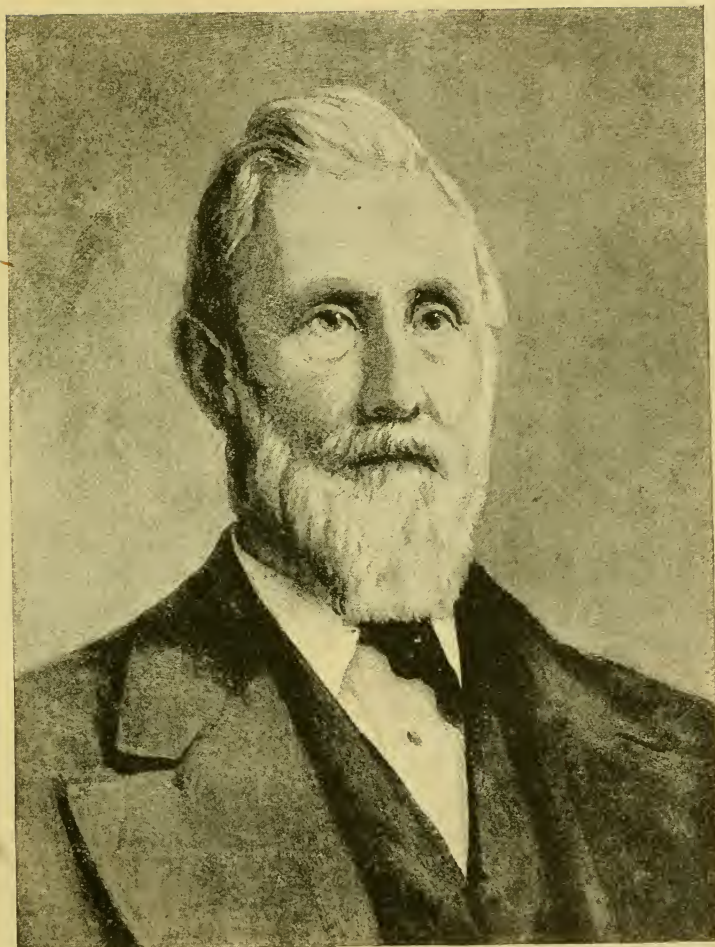
ROBERTS' ADMINISTRATION.*

(1879-1883.)

Governor's Policy.—The most characteristic feature of this administration was the strict "Pay-as-you-go" policy adopted by Governor Roberts. By the careful management of his two predecessors, and by his own financial skill, he was able to pay all expenses of the State, reduce taxation, and yet have a handsome balance left in the treasury.

Sam Houston Normal Institute.—In 1879, a State Normal School was opened at Huntsville. This is a

* Oran M. Roberts was born in South Carolina, July 9, 1815. His early life was one of hardships. He, in spite of many difficulties, succeeded in gaining a good education, graduating from the Alabama University in 1836. In 1841, he moved to Texas, where he began the practice of law in San Augustine. In 1844, he was appointed District Attorney by President Houston. In 1846, he became District Judge. In 1857, he was made Associate Justice of the Supreme Court, a position he held till 1862. He entered the Confederate army, and was elected Colonel of the "Eleventh Texas Infantry." His health failing, in 1864, he was elected by his friends Chief Justice of Texas. In 1866, he was elected to the United States Senate, but was not allowed to take his seat, as Texas was not reconstructed. In 1874, he was again made Chief Justice. He held this position until he was elected Governor. In retiring from the Governor's chair, in 1883, he went to his farm near Austin. In the fall, however, he was chosen Professor of the Law Department in the State University.



O. M. ROBERTS.

school for the special training of Texas teachers. All who attend pledge themselves to teach a certain length of

time in the State. Each Senator and each Representative has the power of appointing a pupil, whose expenses are partially paid by the State. The school sends out large and enthusiastic classes every year, who are doing much to improve the public school system of Texas.

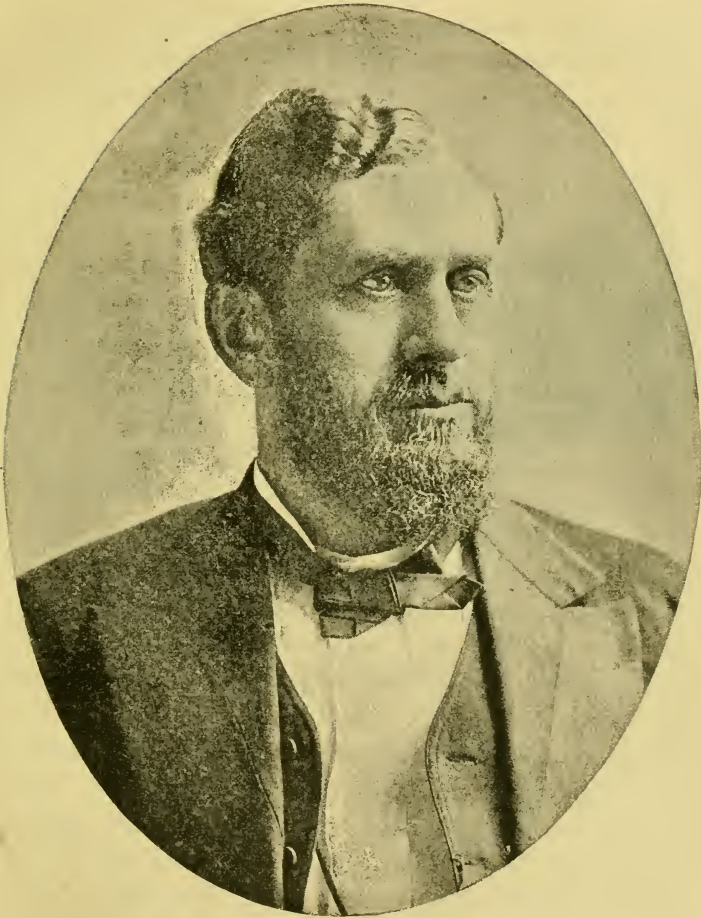
Capitol Burned.—On November 6, 1881, Austin was thrown into great excitement by the burning of the Capitol. Many valuable State papers and relics perished in the flames. In 1882, a temporary building was erected at the foot of Capitol Hill.

IRELAND'S ADMINISTRATION.*

(1883-1887.)

School Laws.—Among the important improvements in the School Laws during Governor Ireland's administrations were: the creation of the office of State Superintendent of Public Instruction; the investment of the

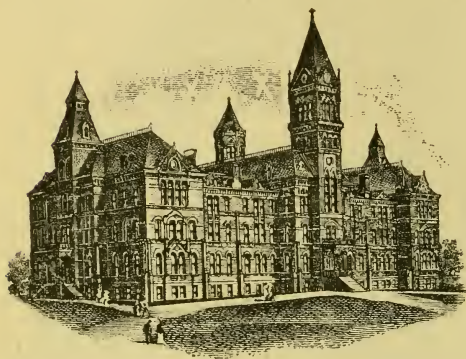
* John Ireland was born in Kentucky, January 1, 1827. He says: "My parents were humble people, residing in the rural districts. What education I got I paid for by working two days in the week for five days' schooling at an 'old field school.'" Before he was twenty-one he was made Deputy Sheriff of his native county; he was made of age by special act of the Legislature. When twenty-four he began the study of law. In 1853, he came to Texas and settled at Seguin. He entered the army as a private, and came out a Colonel. He says: "My chief fighting was done with mosquitoes on the coast"; but his soldiers tell a different story. In 1866, he was elected District Judge, but was soon removed by the military authorities. In 1873, he was a member of the Legislature; in 1875, of the Senate; and in 1875, was placed on the Supreme Bench. In 1880, he was a member of the National Democratic Convention. In 1882, he was nominated for Governor by acclamation; this happened again in 1884. After four years of successful executive life, Governor Ireland retired to his home in Seguin, and resumed the practice of law.



JOHN IRELAND.

permanent school fund in six per cent. bonds; the stopping of the sale of school lands at fifty cents per acre; the lengthening of the school term to six months in the year.

State University.—As early as 1839, the Congress of the Texan Republic set apart forty acres of land in the



STATE UNIVERSITY.

future capital for the grounds of a State University. Fifty leagues of the public land were reserved for the support of the University. In 1881, a general election was held to locate the University. Austin was selected.

On University Hill, that had forty years before been chosen, a beautiful building was erected. The University opened in 1883. Its faculty is one of the finest in the United States.

Asylums.—The eighteenth Legislature, guided by the recommendation of the Governor, made appropriations for the enlargement or improvement of all asylums, and established a second asylum for the insane at Terrell. This consumed much of the cash balance; but the money expended in such a manner did more good than it would have done lying idle in the treasury.

Fence-cutters.—For many years the public lands of Texas had been a free pasture for thousands of cattle. In 1881 and 1882, this land was placed on the market. It sold rapidly, the buyers being mostly wealthy cattle men, who bought immense tracts. They at once began

building wire fences about their property. The country was so sparsely settled that there was no one to keep the "cattle kings" from doing as they pleased; hence it happened that often they did not stop with fencing their own land; hundreds of acres of school land were fenced. Few roads were left. Small lots belonging to poor men were either inclosed in these large fences, or they were so cut off from all roads as to be worthless. At length, a strong feeling arose against the cattle men; their fences were cut again and again. In January, 1884, the Governor called a special session of the Legislature to settle the troubles. It was decided that all public roads must be left open; that gates must be left every three miles; that private parties whose land had been fenced without their consent should have full redress; that fence-cutting should be considered a felony. As soon as it was seen that the Governor intended to execute these laws to the letter, the troubles ceased.

Greer County Question.—The strip of land known as Greer County, was considered a portion of the Texas Republic, but as early as 1859 the United States made claim to the same. In 1819, a treaty had been drawn up between the United States and Mexico defining their boundary line: the Red River formed a portion of the boundary. When, in years after, this river was more fully explored, it was found to have two forks. Texas claimed the north fork to be the principal fork, and hence the Red River meant in the treaty. This would bring Greer County in Texas. The United States claimed the south

fork to be the one meant by the treaty, and this throws Greer County north of Texas, in the Indian Territory. As the county became more thickly settled, the question increased in importance. In 1885, Congress decided to have four Commissioners appointed by the President to meet four Commissioners from Texas, in order that the matter might be settled. The Texas Legislature agreed. Governor Ireland appointed J. T. Brackenridge, W. S. Herndon, William Burges, and Geo. R. Freeman to represent Texas. The Commissioners met, February 23, 1886, and spent several weeks in carefully investigating the matter. When the final vote came, the four United States Commissioners favored the south fork as the Red River of the treaty, while the four Texas Commissioners favored the north fork.* The question still remains undecided. President Cleveland has this year issued a proclamation, warning settlers against buying property in Greer County, as, if the land be proved to belong to the United States, their titles will be void.

* *Extract from Colonel Herndon's Argument*:—"When the subject is understood, the United States will abandon her claim, set up by Indian agents and land speculators, and quiet Texas in the title and possession of this territory. We submit under this view that Texas acquired a good and valid title to all the territory rightfully claimed and included within the limit of the Republic of Texas on the 29th day of December, 1845, the day that the Republic of Texas ceased to exist, and her territory became one of the States of the Union; and that the United States eliminated the question of boundary from further dispute between Texas and other governments, and guaranteed to Texas the peaceable possession and right to dispose of her lands as she may deem proper. These solemn acts of the two governments referred to, ending in the annexation of Texas as a State of the Union for the considerations named therein, constitute the title-deed of Texas to the county of Greer, the territory now in dispute, and the United States is estopped from re-opening this question and setting up a claim to this territory."

ROSS' ADMINISTRATION.*

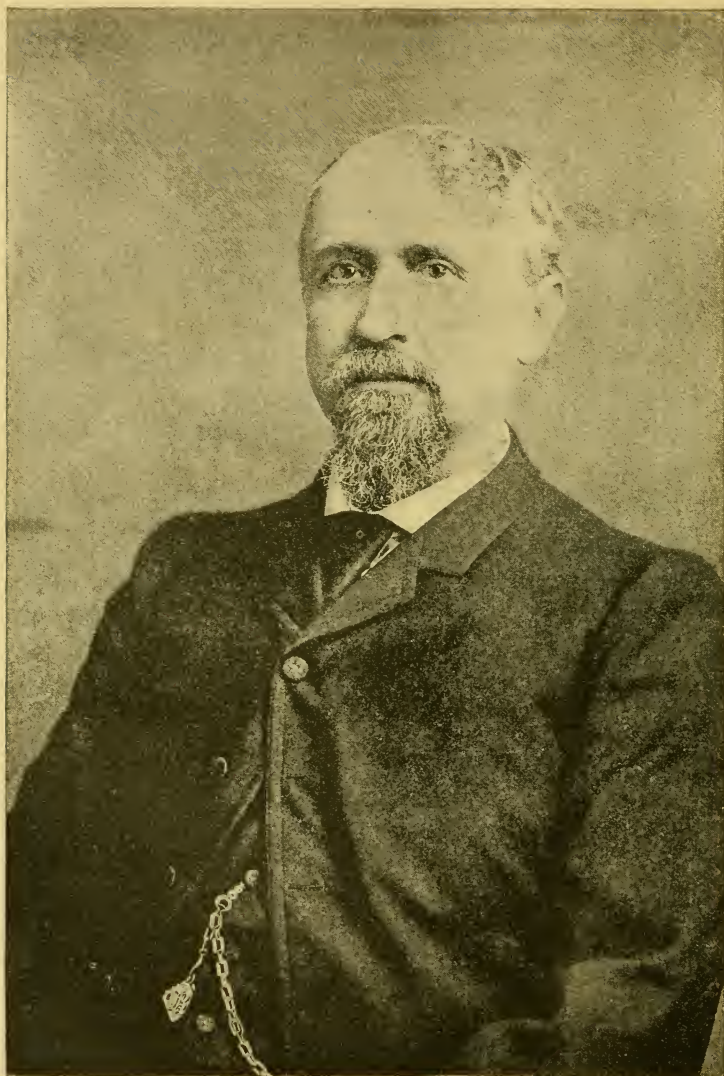
(1887-)

Prohibition.—The twentieth Legislature decided to submit to the people an amendment to the State Constitution, prohibiting the sale of intoxicating liquors in Texas. After one of the most exciting campaigns in the history of the State, the amendment was defeated, August, 1887.

Drought.—The summer of 1887 will long be remembered on account of the terrible drought that cursed Texas, especially in the west. Crops were literally burnt up; cattle suffered intensely; many settlers were forced to seek new homes.

Our New Capitol.—In 1875, the Constitutional Convention appropriated three million acres of land for building a new capitol. The burning of the old capitol, in 1881, made the proposed structure an immediate necessity; accordingly the work was begun in 1883. On March 2, 1885, in the presence of an immense crowd, the corner-stone was laid with all due ceremony; the

* General L. S. Ross was born in Ohio, in the year 1838. His father soon after moved to Texas. Young Ross was noted from his early boyhood for his bravery in fighting the Indians. When only nineteen years of age, while he was at home for the summer's vacation, he led an attack against the savage Comanches; he afterward won wide-spread fame by the defeat of the Comanches and the capture of Cynthia Ann Parker. He entered the Civil War as a private, but was rapidly promoted until, at twenty-five, he was a Brigadier-general, the youngest in the army. In 1875, he was a member of the Constitutional Convention. In 1880, he was in the State Senate, and was Chairman of the Committee on Finance. He had often been solicited to become a candidate for Governor, but always refused until 1886, when he was nominated by a handsome majority. As a Governor he has won great popularity among the people, and proved himself worthy of their trust.



GOVERNOR L. S. ROSS.

dedication took place in May, 1888. The edifice is one of which any State might well be proud. It is built of granite, is three stories above the basement, is five hundred and sixty feet long, and two hundred and eighty-eight feet broad; the dome rises majestically to a height of three hundred and eleven feet. It is only second in size to the capitol at Washington, and is the seventh largest building in the world. The capitol is heated by steam, lighted by electricity, and provided with every modern convenience. The Legislature in 1888 appropriated a sum sufficient to furnish the building as the pride of Texas demanded.

Immigration Movement.—Strong efforts are now being made (August, 1888) to bring more immigrants into Texas. Clubs are being organized all over the State, whose duty it is to arouse public interest, to scatter abroad literature showing the advantages of Texas, to send out speakers to other States; in short, to do every thing to make the movement a success. The railroads have promised to give reduced rates, and to extensively advertise "Texas Excursions." The probabilities are that 1888 will bring to our State more people than any previous year.

Conclusion.—When one looks backward over Texas history, he sees much for which we should be grateful to the Great Father above. During even the last eighteen years wonderful changes have taken place; cities have sprung up on all sides. The population was then eight hundred eighteen thousand five hundred and seventy-nine,

but we now number two and a half millions. Wealth has poured into our coffers; railroads were then in their infancy, but now the iron horse rushes on his fiery course to nearly every portion of the State. Public education has made decided progress, but there still remains much in this line to be done. Let the boys and girls of this generation fit themselves to take up the duties that must soon fall upon their shoulders; let them learn to love their State wisely, not blindly; seeing her needs and filling them; let them resolve that education shall be as free as the sunlight that floods our Italian skies; let these things be done, and our Texas shall shine forth not as the "Lone Star," but as Venus, the brilliant morning star, in the firmament of the Red, White, and Blue.

BLACKBOARD ANALYSIS.

ERA VI. THE STATE. (1846-1861.)	I. HENDERSON'S ADMINISTRATION, 1846-1847.....	{ 1. Condition of Texas. { 2. War between U. S. and Mex.. { a. Cause. { b. Result.
	II. WOOD'S ADMINISTRATION, 1847-1849.....	{ 1. Debt. { 2. Boundary Troubles.
	III. BELL'S ADMINISTRATION, 1849-1853.....	{ 1. Texas Sells a Part of her Territory.
	IV. J.W. HENDERSON'S ADMINISTRATION, 1853.	
	V. PEASE'S ADMINISTRATION, 1853-1857.....	{ 1. All Debts Paid. { 2. Railroad Law. { 3. School Fund.
	VI. RUNNELS' ADMINISTRATION, 1857-1859.	
	VII. HOUSTON'S ADMINISTRATION, 1859-1861.....	{ 1. Condition of Texas. { 2. Cortina. { 3. Secession. { 4. Houston Removed.

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| VIII. CLARKE'S ADMINISTRATION, 1861..... | { | 1. Preparations for War. |
| IX. LUBBOCK'S ADMINISTRATION, 1861-1863..... | { | 1. Sibley Expedition.
2. Capture of Galveston.
3. Battle of Sabine Pass.
4. Houston's Death. |
| X. MURRAH'S ADMINISTRATION, 1863-1865..... | { | 1. Few Battles in Texas.
2. Crops and Manufactures.
3. Hardships.
4. Close of the War.
5. Governor Flees to Mexico. |
| XI. HAMILTON'S ADMINISTRATION, 1865-1866... | { | 1. Finances.
2. Reconstruction Convention. |
| XII. THROCKMORTON'S ADMINISTRATION, 1866-1867 | { | 1. Military Rule.
2. Governor Removed. |
| XIII. PEASE'S ADMINISTRATION, 1867-1869..... | { | 1. Hancock.
2. Constitutional Convention. |
| XIV. DAVIS' ADMINISTRATION, 1870-1874..... | { | 1. Texas Re-admitted to Union.
2. Disabilities Removed.
3. Immigration and Railroads.
4. Stormy Election Scenes. |
| XV. COKE'S ADMINISTRATION, 1874-1876..... | { | 1. Difficulties; How Met.
2. Constitutional Convention.
3. Agricultural and Mechanical College |
| XVI. HUBBARD'S ADMINISTRATION, 1876-1879. | { | 1. Penitentiaries.
2. Debt and Immigration.
3. Crime Punished. |
| XVII. ROBERTS' ADMINISTRATION, 1879-1883..... | { | 1. Governor's Policy.
2. State Normal.
3. Capitol Burned. |
| XVIII. IRELAND'S ADMINISTRATION, 1883-1887.... | { | 1. School Laws.
2. University.
3. Fence-cutters.
4. Greer County Question. |
| XIX. ROSS' ADMINISTRATION, 1887— | { | 1. New Capitol.
2. Drought. |

CONSTITUTION
OF THE
STATE OF TEXAS.

ADOPTED BY THE CONSTITUTIONAL CONVENTION CONVENED AT
AUSTIN, SEPTEMBER 6, 1875, AND RATIFIED BY THE
PEOPLE, FEBRUARY 15, 1876. *

PREAMBLE.

Humbly invoking the blessing of Almighty God, the people of the State of Texas do ordain and establish this Constitution.

ARTICLE I.

BILL OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and established, we declare:

SECTION 1. Texas is a free and independent State, subject only to the Constitution of the United States; and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government unimpaired to all the States.

SEC. 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter,

1. When was this Constitution adopted?

SECTION I.—1. To what is Texas subject? 2. On what does the Union depend?

SEC. II.—1. What right have the people at all times? 2. What is said of a republican form of government?

reform, or abolish their government in such manner as they may think expedient.

SEC. 3. All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services.

SEC. 4. No religious test shall ever be required as a qualification to any office, or public trust, in this State; nor shall any one be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

SEC. 5. No person shall be disqualified to give evidence in any of the courts of this State on account of his religious opinions, or for the want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

SEC. 6. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent. No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship.

SEC. 7. No money shall be appropriated or drawn from the treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes.

SEC. III.—1. Give Section 3 in your own words.

SEC. IV.—1. What is said of religious tests? 2. Can an atheist hold office in Texas?

SEC. V.—1. Explain the meaning of Section 5. 2. Give all the different modes you know of administering oaths.

SEC. VI.—1. What natural right have all men? 2. What shall no man be compelled to do? 3. What is the duty of the Legislature regarding all religious denominations?

SEC. VII.—1. What financial aid may religious schools receive from the State?

SEC. 8. Every person shall be at liberty to speak, write, or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers investigating the conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 9. The people shall be secure, in their persons, houses, papers, and possessions, from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

SEC. 10. In all criminal prosecutions, the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself. He shall have the right of being heard by himself or counsel, or both; shall be confronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor. And no person shall be held to answer for a criminal offense, unless on indictment of a Grand Jury, except in cases in which the punishment is by fine or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

SEC. 11. All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident; but this pro-

SEC. VIII.—1. What is said of the liberty of speech? 2. Is this privilege ever abused? 3. How may the person slandered obtain justice?

SEC. IX.—1. What three things must be done before a search warrant can be issued?

SEC. X.—1. What is meant by an "impartial jury"? 2. Name five rights of every one accused of crime. 3. When is an indictment of a Grand Jury unnecessary? When necessary?

SEC. XI.—1. When is bail refused? 2. Show what is meant by giving bail. Illustrate by example.

vision shall not be so construed as to prevent bail after indictment found, upon examination of the evidence in such manner as may be prescribed by law.

SEC. 12. The writ of *habeas corpus* is a writ of right, and shall never be suspended. The Legislature shall enact laws to render the remedy speedy and effectual.

SEC. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

SEC. 14. No person, for the same offense, shall be twice put in jeopardy of life or liberty; nor shall a person be again put upon trial for the same offense after a verdict of not guilty in a court of competent jurisdiction.

SEC. 15. The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency.

SEC. 16. No bill of attainder, *ex post facto* law, retroactive law, or any law impairing the obligation of contracts, shall be made.

SEC. 17. No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person; and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof.

SEC. XII.—1. What is a writ of *habeas corpus*? 2. Did any Governor of Texas ever suspend this right?

SEC. XIII.—1. What is said of excessive bail? 2. Why should all courts be open? 3. Explain "due course of law."

SEC. XIV.—1. Give Section 14 in your own words.

SEC. XV.—1. Give Section 15 in your own words.

SEC. XVI.—1. What is a "bill of attainder"? 2. An "*ex post facto* law"? 3. A "retroactive law"?

SEC. XVII.—1. What is said of private property? 2. Is this law observed in times of war? 3. What grants are forbidden?

SEC. 18. No person shall ever be imprisoned for debt.

SEC. 19. No citizen of this State shall be deprived of life, liberty, property, privileges, or immunities, or in any manner disfranchised, except by the due course of the law of the land.

SEC. 20. No person shall be outlawed; nor shall any person be transported out of the State for any offense committed within the same.

SEC. 21. No conviction shall work corruption of blood, or forfeiture of estate; and the estates of those who destroy their own lives shall descend or vest as in case of natural death.

SEC. 22. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 23. Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power by law to regulate the wearing of arms, with a view to prevent crime.

SEC. 24. The military shall at all times be subordinate to the civil authority.

SEC. 25. No soldier shall, in time of peace, be quartered in the house of any citizen without the consent of the owner, nor in time of war, but in a manner prescribed by law.

SEC. XVIII.—1. Give Section 18. 2. What English novelist wrote a book showing the evils of imprisonment for debt?

SEC. XIX.—1. Explain Section 19.

SEC. XX.—1. What is the meaning of "outlawed"? 2. Give reason for second clause in the section.

SEC. XXI.—1. Explain "corruption of blood" and "forfeiture of estate." 2. What was the old English law on this point? 3. What is said of the property of suicides?

SEC. XXII.—1. In what does treason consist? 2. What is necessary to convict a person of treason?

SEC. XXIII.—1. Give Section 23 in your own words.

SEC. XXIV.—1. During whose administrations was the reverse of this section true?

SEC. XXV.—1. Can your father be *forced* to-morrow to receive a soldier as his guest?

SEC. 26. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this State.

SEC. 27. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and apply to those invested with the power of government for redress of grievances or other purposes, by petition, address, or remonstrance.

SEC. 28. No power of suspending laws in this State shall be exercised except by the Legislature.

SEC. 29. To guard against transgressions of the high powers herein delegated, we declare that every thing in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.

THE POWERS OF GOVERNMENT.

SECTION 1. The powers of the government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are legislative to one, those which are executive to another, and those which are judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a Senate and House of Representatives, which together shall be styled "The Legislature of the State of Texas."

SEC. XXVI.—1. Name four things prohibited in this section. 2. Explain each.

SEC. XXVII.—1. What rights are here granted the citizens?

SEC. XXVIII.—1. Who only may suspend laws?

SEC. XXIX.—1. Explain this section.

SEC. I.—1. Name the three departments of the government of Texas.

SEC. I.—1. In what is the legislative power invested? 2. What is meant by the legislative power?

SEC. 2. The Senate shall consist of thirty-one members, and shall never be increased above this number. The House of Representatives shall consist of ninety-three members until the first apportionment after the adoption of this Constitution, when, or at any apportionment thereafter, the number of Representatives may be increased by the Legislature, upon the ratio of not more than one Representative for every fifteen thousand inhabitants; *provided*, the number of Representatives shall never exceed one hundred and fifty.

SEC. 3. The Senators shall be chosen by the qualified electors for the term of four years; but a new Senate shall be chosen after every apportionment, and the Senators elected after each apportionment shall be divided by lot into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that one half of the Senators shall be chosen biennially thereafter.

SEC. 4. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of their election.

SEC. 5. The Legislature shall meet every two years, at such time as may be provided by law, and at other times, when convened by the Governor.

SEC. 6. No person shall be a Senator, unless he be a citizen of the United States, and at the time of his election a qualified elector of this State, and shall have been a resident of this State five years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-six years.

SEC. 7. No person shall be a Representative, unless he be a citizen of the United States, and at the time of his election a qualified elector

SEC. II.—1. How many Senators are there? 2. What is the limit of the number of Representatives? 3. Number now?

SEC. III.—1. How long is a Senator's term? 2. Explain the last sentence in the section.

SEC. IV.—1. How long does a Representative serve?

SEC. V.—1. How often must the Legislature meet? 2. What power has the Governor?

SEC. VI.—1. Give four qualifications of a Senator.

SEC. VII.—1. Give four qualifications of a Representative.

of this State, and shall have been a resident of this State two years next preceding his election, the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-one years.

SEC. 8. Each House shall be the judge of the qualifications and election of its own members; but contested elections shall be determined in such manner as shall be provided by law.

SEC. 9. The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President *pro tempore*, who shall perform the duties of the Lieutenant-governor in any case of absence or disability of that officer, and whenever the said office of Lieutenant-governor shall be vacant. The House of Representatives shall, when it first assembles, organize temporarily, and thereupon proceed to the election of a Speaker from its own members; and each House shall choose its other officers.

SEC. 10. Two thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may provide.

SEC. 11. Each House may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two thirds, expel a member, but not a second time for the same offense.

SEC. 12. Each House shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either House on any question shall, at the desire of any three members present, be entered on the journals.

SEC. 13. When vacancies occur in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of

SEC. VIII.—1. State this section in your own words.

SEC. IX.—1. Why is it necessary to have a President *pro tempore* of the Senate? 2. Who is now the Speaker of the House, or who was the last one?

SEC. X.—1. What part of each House is required for a quorum? 2. How may members be forced to attend?

SEC. XI.—1. Give three rights accorded to each House.

SEC. XII.—1. Explain what is meant by "yeas" and "nays." 2. Give the benefits arising from this section.

SEC. XIII.—1. How are vacancies in the Legislature filled?

election to fill such vacancies; and should the Governor fail to issue a writ of election to fill any such vacancy within twenty days after it occurs, the returning officer of the district in which such vacancy may have happened shall be authorized to order an election for that purpose.

SEC. 14. Senators and Representatives shall, except in cases of treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the Legislature is convened.

SEC. 15. Each House may punish, by imprisonment, during its sessions, any person not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings; *provided*, such imprisonment shall not, at any one time, exceed forty-eight hours.

SEC. 16. The sessions of each House shall be open, except the Senate, when in executive session.

SEC. 17. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that where the Legislature may be sitting.

SEC. 18. No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State which shall have been created or the emoluments of which may have been increased during such term; no member of either House shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made, in whole or in part, by either branch of the Legislature; and no member of either House shall vote for any other member for any office whatever, which may be filled by a vote of the Legislature, except in such cases as are in this Constitution provided. Nor shall

SEC. XIV.—1. For what crimes may a legislator be arrested during the session of the Legislature? 2. Give reason for this section.

SEC. XV.—1. Give the section in your own words.

SEC. XVI.—1. What is meant by "executive session"?

SEC. XVII.—1. Give the section.

SEC. XVIII.—1. Name four privileges forbidden a legislator. 2. What are "emoluments"? 3. Show the necessity for this section.

any member of the Legislature be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected.

SEC. 19. No judge of any court, Secretary of State, Attorney-general, clerk of any court of record, or any person holding a lucrative office under the United States, or this State, or any foreign government, shall, during the term for which he is elected or appointed, be eligible to the Legislature.

SEC. 20. No person who at any time may have been a collector of taxes, or who may have been otherwise intrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, or for all public moneys with which he may have been intrusted.

SEC. 21. No member shall be questioned in any other place for words spoken in debate in either House.

SEC. 22. A member who has a personal or private interest in any measure or bill, proposed, or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

SEC. 23. If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby become vacant, and the vacancy shall be filled as provided in Section 13 of this Article.

SEC. 24. The members of the Legislature shall receive from the public treasury such compensation for their services as may, from time to time, be provided by law, not exceeding five dollars per day for the first sixty days of each session; and after that not exceeding two dollars per day for the remainder of the session; except the first

SEC. XIX.—1. Who are ineligible to the Legislature?

SEC. XX.—1. Can a tax collector become a legislator?

SEC. XXI.—1. Give reason for this section.

SEC. XXII.—1. Give a practical example illustrating Section 22.

SEC. XXIII.—1. Is this a wise law? 2. Why?

SEC. XXIV.—1. What salary do the legislators receive? 2. What is meant by "mileage"? 3. Under what circumstances does a member receive no mileage?

session held under this Constitution, when they may receive not exceeding four dollars per day for the first ninety days, and after that not exceeding two dollars per day for the remainder of the session. In addition to the per diem the members of each House shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed five dollars for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel by land, regardless of railways or water routes; and the Comptroller of the State shall prepare and preserve a table of distances to each county seat now or hereafter to be established, and by such table the mileage of each member shall be paid; but no member shall be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or called session.

SEC. 25. The State shall be divided into senatorial districts of contiguous territory, according to the number of qualified electors, as nearly as may be, and each district shall be entitled to elect one Senator, and no single county shall be entitled to more than one Senator.

SEC. 26. The members of the House of Representatives shall be apportioned among the several counties, according to the number of population in each, as nearly as may be, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by the number of members of which the House is composed; *provided*, that whenever a single county has sufficient population to be entitled to a Representative, such county shall be formed into a separate representative district, and when two or more counties are required to make up the ratio of representation, such counties shall be contiguous to each other; and when any one county has more than sufficient population to be entitled to one or more Representatives, such Representative or Representatives shall be apportioned to such county, and for any surplus of population it may

SEC. XXV.—1. What is said of senatorial districts? 2. Which counties have two Senators?

SEC. XXVI.—1. Give the plan for apportioning the Representatives. 2. When does one county form an entire representative district? 3. Could Brazos and Tom Green counties be formed into one district? Why?

be joined in a representative district with any other contiguous county or counties.

SEC. 27. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

SEC. 28. The Legislature shall, at its first session after the publication of each United States decennial census, apportion the State into senatorial and representative districts, agreeably to the provisions of Sections 25 and 26 of this Article; and until the next decennial census, when the first apportionment shall be made by the Legislature, the State shall be and it is hereby divided into senatorial and representative districts, as provided by an ordinance of the Convention on that subject.

PROCEEDINGS.

SEC. 29. The enacting clause of all laws shall be: "Be it enacted by the Legislature of the State of Texas."

SEC. 30. No law shall be passed except by bill, and no bill shall be so amended in its passage through either House as to change its original purpose.

SEC. 31. Bills may originate in either House, and when passed by such House, may be amended, altered, or rejected by the other.

SEC. 32. No bill shall have the force of law until it has been read on three several days in each House, and free discussion allowed thereon; but in cases of imperative public necessity (which necessity shall be stated in a preamble, or in the body of the bill), four fifths of the House in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the journals.

SEC. 33. All bills for raising revenue shall originate in the House

SEC. XXVII.—1. Give the section.

SEC. XXVIII.—1. How often does the Legislature apportion the State into districts? 2. When will the next apportionment be made?

SEC. XXIX.—1. What is meant by "the enacting clause"?

SEC. XXX.—1. Explain Section 30.

SEC. XXXI.—1. What is said of "Bills"?

SEC. XXXII.—1. When only may a bill have the force of law? 2. What exception is made?

SEC. XXXIII.—1. What bills must originate in the House?

of Representatives, but the Senate may amend or reject them as other bills.

SEC. 34. After a bill has been considered and defeated by either House of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session.

SEC. 35. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

SEC. 36. No law shall be revived or amended by reference to its title; but in such case the act revived or the section or sections amended shall be re-enacted and published at length.

SEC. 37. No bill shall be considered, unless it has been first referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature.

SEC. 38. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing; and the fact of signing shall be entered on the journals.

SEC. 39. No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days

SEC. XXXIV.—1. What is said of defeated bills and resolutions?

SEC. XXXV.—1. Explain clearly the first sentence in this section. 2. What is the consequence if this law be violated?

SEC. XXXVI.—1. Explain the section.

SEC. XXXVII.—1. What is necessary before a bill may be considered? 2. Before it may be passed?

SEC. XXXVIII.—1. What is the duty of the presiding officer regarding bills? 2. Why should this be done publicly?

SEC. XXXIX.—1. When will the laws made by the twenty-first Legislature go into effect? 2. Is there any exception to this law?

after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the Legislature shall, by a vote of two thirds of all the members elected to each House, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journals.

SEC. 40. When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days.

SEC. 41. In all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*, except in the election of their officers.

REQUIREMENTS AND LIMITATIONS.

SEC. 42. The Legislature shall pass such laws as may be necessary to carry into effect the provisions of this Constitution.

SEC. 43. The first session of the Legislature under this Constitution shall provide for revising, digesting, and publishing the laws, civil and criminal; and a like revision, digest, and publication may be made every ten years thereafter; *provided*, that in the adoption of and giving effect to any such digest or revision, the Legislature shall not be limited by Sections 35 and 36 of this Article.

SEC. 44. The Legislature shall provide by law for the compensation of all officers, servants, agents, and public contractors, not provided for in this Constitution, but shall not grant extra compensation to any officer, agent, servant, or public contractors, after such public service shall have been performed or contract entered into for the performance of the same; nor grant, by appropriation or otherwise,

SEC. XL.—1. Who calls a special session of the Legislature? 2. Upon what subject only may laws be made in a special session? 3. How long may it last?

SEC. XLI.—1. Define "*viva voce*." 2. Give reason for this section.

SEC. XLII.—1. Give the section.

SEC. XLIII.—1. What were the duties of the first Legislature that met after February, 1876?

SEC. XLIV.—1. Name the various items forbidden the Legislature,

any amount of money out of the treasury of the State, to any individual, on a claim, real or pretended, when the same shall not have been provided for by pre-existing law; nor employ any one in the name of the State unless authorized by pre-existing law.

SEC. 45. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law; and the Legislature shall pass laws for that purpose.

SEC. 46. The Legislature shall, at its first session after the adoption of this Constitution, enact effective vagrant laws.

SEC. 47. The Legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises, in this State, as well as the sale of tickets in lotteries, gift enterprises, or other evasions involving the lottery principle, established or existing in other States.

SEC. 48. The Legislature shall not have the right to levy taxes or impose burdens upon the people, except to raise revenue sufficient for the economical administration of the government, in which may be included the following purposes:

The payment of all interest upon the bonded debt of the State;

The erection and repairs of public buildings;

The benefit of the sinking fund, which shall not be more than two per centum of the public debt; and for the payment of the present floating debt of the State, including matured bonds for the payment of which the sinking fund is inadequate;

The support of public schools, in which shall be included colleges and universities established by the State; and the maintenance and support of the Agricultural and Mechanical College of Texas;

The payment of the cost of assessing and collecting the revenue; and the payment of all officers, agents, and employees of the State government, and all incidental expenses connected therewith;

SEC. XLV.—1. What is meant by "change of venue"? 2. What bodies have the power to make such changes?

SEC. XLVI.—1. What are "vagrant laws"?

SEC. XLVII.—1. Can you sell lottery tickets in Texas? 2. Can you buy lottery tickets in Texas?

SEC. XLVIII.—1. Name the eight purposes for which the Legislature may levy taxes. 2. What is meant by "the bonded debt"? 3. "Sinking fund"? 4. "Floating debt"? 5. "Quarantine regulations"?

The support of the Blind Asylum, the Deaf and Dumb Asylum, and the Insane Asylum, the State Cemetery, and the public grounds of the State;

The enforcement of quarantine regulations on the coast of Texas;
The protection of the frontier.

SEC. 49. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of the revenue, repel invasion, suppress insurrection, defend the State in war, or pay existing debt; and the debt created to supply deficiencies in the revenue shall never exceed in the aggregate at any one time two hundred thousand dollars.

SEC. 50. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State in aid of, or to any person, association, or corporation, whether municipal or other; or to pledge the credit of the State in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever.

SEC. 51. The Legislature shall have no power to make any grant, or authorize the making of any grant, of public money to any individual, association of individuals, municipal or other corporation whatsoever; *provided*, that this shall not be so construed as to prevent the grant of aid in case of public calamity.

SEC. 52. The Legislature shall have no power to authorize any county, city, town, or other political corporation, or subdivision of the State, to lend its credit or to grant public money or thing of value, in aid of or to any individual, association, or corporation whatsoever; or to become a stockholder in such corporation, association, or company.

SEC. 53. The Legislature shall have no power to grant, or to

SEC. XLIX.—1. When only may a debt be created by Texas? 2. What is the limit?

SEC. L.—1. What has the Legislature no power to do?

SEC. LI.—1. What right had the Legislature to grant money to the drought sufferers?

SEC. LII.—1. Explain Section 52.

SEC. LIII.—1. Explain Section 53. 2. What is meant by "municipal authority"?

authorize any county or municipal authority to grant, any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor, after service has been rendered, or a contract has been entered into, and performed in whole or in part; nor pay, nor authorize the payment of, any claim created against any county or municipality of the State, under any agreement or contract, made without authority of law.

SEC. 54. The Legislature shall have no power to release or alienate any lien held by the State upon any railroad, or in anywise change the tenor or meaning, or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.

SEC. 55. The Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any incorporation or individual to this State, or to any county, or other municipal corporation therein.

SEC. 56. The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law, authorizing:

The creation, extension, or impairing of liens;

Regulating the affairs of counties, cities, towns, wards, or school districts;

Changing the name of persons or places; changing the venue in civil or criminal cases;

Authorizing the laying out, opening, altering, or maintaining of roads, highways, streets, or alleys;

Relating to ferries and bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;

Vacating roads, town plats, streets, or alleys;

SEC. LIV.—1. Explain the meaning of "alienate any lien." 2. Explain the meaning of "change the tenor."

SEC. LV.—1. What is forbidden the Legislature in this section?

SEC. LVI.—1. What is meant by "changing the law of descent or succession"? 2. Who are minors? 3. What persons are "under disability"? 4. What are "grand juries"? 5. "Petit juries"? 6. What special laws may be passed by the Legislature?

Relating to cemeteries, grave-yards, or public grounds not of the State ;

Authorizing the adoption or legitimation of children ;

Locating or changing county seats ;

Incorporating cities, towns, or villages, or changing their charters ;

For the opening and conducting of elections, or fixing or changing the places of voting ;

Granting divorces ;

Creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election, or school districts ;

Changing the law of descent or succession ;

Regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators, or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate ;

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates, or constables ;

Regulating the management of public schools, the building or repairing of school-houses, and the raising of money for such purposes ;

Fixing the rate of interest ;

Affecting the estates of minors, or persons under disability ;

Remitting fines, penalties, and forfeitures, and refunding moneys legally paid into the treasury ;

Exempting property from taxation ;

Regulating labor, trade, mining, and manufacturing ;

Declaring any named person of age ;

Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties, or his securities from liability ;

Giving effect to informal or invalid wills or deeds ;

Summoning or impaneling grand or petit juries ;

For limitation of civil or criminal actions ;

For incorporating railroads or other work of internal improvements ;

And in all other cases where a general law can be made applicable, no local or special law shall be enacted; *provided*, that nothing herein contained shall be construed to prohibit the Legislature from passing special laws for the preservation of the game and fish of this State in certain localities.

SEC. 57. No local or special law shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the Legislature of such bill, and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the Legislature before such act shall be passed.

SEC. 58. The Legislature shall hold its sessions at the city of Austin, which is hereby declared to be the Seat of Government.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The Executive Department of the State shall consist of a Governor, who shall be the chief Executive Officer of the State, a Lieutenant-governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, and Attorney-general.

SEC. 2. All the above officers of the Executive Department (except Secretary of State) shall be elected by the qualified voters of the State at the time and places of election for members of the Legislature.

SEC. 3. The returns of every election for said Executive Officers, until otherwise provided by law, shall be made out, sealed up, and

SEC. LVII.—1. Give the requirements for the passage of a local law.

SEC. LVIII.—1. What is Section 58?

SEC. I.—1. Who compose the Executive Department of Texas?

SEC. II.—1. How are these officers chosen? 2. Who now fills each of these offices?

SEC. III.—1. What shall be done with the returns of the elections for executive officers? 2. What shall the Speaker do with them? 3. What shall be done when two persons receive an equal number of votes?

transmitted by the returning officers prescribed by law, to the seat of government, directed to the Secretary of State, who shall deliver the same to the Speaker of the House of Representatives, as soon as the Speaker shall be chosen; and the said Speaker shall, during the first week of the session of the Legislature, open and publish them in the presence of both Houses of the Legislature. The person, voted for at said election, having the highest number of votes for each of said offices respectively, and being constitutionally eligible, shall be declared by the Speaker, under sanction of the Legislature, to be elected to said office. But if two or more persons shall have the highest and an equal number of votes for either of said offices, one of them shall be immediately chosen to such office by joint vote of both Houses of the Legislature. Contested elections for either of said offices shall be determined by both Houses of the Legislature in joint session.

SEC. 4. The Governor shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for the term of two years, or until his successor shall be duly installed. He shall be at least thirty years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election.

SEC. 5. He shall, at stated times, receive as compensation for his services an annual salary of four thousand dollars, and no more, and shall have the use and occupation of the Governor's mansion, fixtures, and furniture.

SEC. 6. During the time he holds the office of Governor he shall not hold any other office, civil, military, or corporate; nor shall he practice any profession, and receive compensation, reward, fee, or the promise thereof, for the same; nor receive any salary, reward, or compensation, or the promise thereof, from any person or corporation, for any service rendered or performed during the time he is Governor, or to be thereafter rendered or performed.

SEC. 7. He shall be commander-in-chief of the military forces of

SEC. IV.—1. When does the Governor take his seat? 2. How long does he serve? 3. Give three necessary qualifications.

SEC. V.—1. State the section.

SEC. VI.—1. What is forbidden the Governor in this section?

the State, except when they are called into actual service of the United States. He shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, repel invasions, and protect the frontier from hostile incursions by Indians or other predatory bands.

SEC. 8. The Governor may, on extraordinary occasions, convene the Legislature at the seat of government, or at a different place in case that should be in possession of the public enemy, or in case of the prevalence of disease thereat. His proclamation therefor shall state specifically the purpose for which the Legislature is convened.

SEC. 9. The Governor shall, at the commencement of each session of the Legislature, and at the close of his term of office, give to the Legislature information, by message, of the condition of the State; and he shall recommend to the Legislature such measures as he may deem expedient. He shall account to the Legislature for all public moneys received and paid out by him from any fund subject to his order, with vouchers; and shall accompany his message with a statement of the same. And at the commencement of each regular session he shall present estimates of the amount of money required to be raised by taxation for all purposes.

SEC. 10. He shall cause the laws to be faithfully executed; and shall conduct, in person, or in such manner as shall be prescribed by law, all intercourse and business of the State with other States and with the United States.

SEC. 11. In all criminal cases, except treason and impeachment, he shall have power, after conviction, to grant reprieves, commutations of punishment, and pardons; and, under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate, he may

SEC. VII.—1. Who is the commander-in-chief of the military forces? 2. Name five powers of the Governor. 3. Define militia, insurrections, predatory.

SEC. VIII.—1. Could the Governor call a session of the Legislature at Houston? Why?

SEC. IX.—1. Name the duties assigned the Governor in this section.

SEC. X.—1. Give Section 10 in your own words.

SEC. XI.—1. In what cases has the Governor no pardoning power? 2. Define "impeachment," "reprieves," "forfeitures." 3. How may one, convicted of treason, be pardoned?

grant pardons in cases of treason, and to this end he may respite a sentence therefor, until the close of the succeeding session of the Legislature; *provided*, that in all cases of remissions of fines and forfeitures, or grants of reprieve, commutation of punishment, or pardon, he shall file in the office of the Secretary of State his reasons therefor.

SEC. 12. All vacancies in State or district offices, except members of the Legislature, shall be filled, unless otherwise provided by law, by appointment of the Governor, which appointment, if made during its session, shall be with the advice and consent of two thirds of the Senate present. If made during the recess of the Senate, the said appointee, or some other person to fill such vacancy, shall be nominated to the Senate during the first ten days of its session. If rejected, said office shall immediately become vacant, and the Governor shall, without delay, make further nominations, until a confirmation takes place. But should there be no confirmation during the session of the Senate, the Governor shall not thereafter appoint any person to fill such vacancy who has been rejected by the Senate; but may appoint some other person to fill the vacancy until the next session of the Senate, or until the regular election to said office, should it sooner occur. Appointments to vacancies in offices elective by the people shall only continue until the first general election thereafter.

SEC. 13. During the session of the Legislature the Governor shall reside where its sessions are held, and at all other times at the seat of government, except when, by act of the Legislature, he may be required or authorized to reside elsewhere.

SEC. 14. Every bill which shall have passed both Houses of the Legislature shall be presented to the Governor for his approval. If he approve he shall sign it; but if he disapprove it, he shall return it, with his objections, to the House in which it originated, which House shall enter the objections at large upon its journal, and pro-

SEC. XII.—1. How are vacancies in State and district offices filled?

SEC. XIII.—1. Where must the Governor live?

SEC. XIV.—1. State clearly three ways in which a bill may become a law. 2 Explain "enter at large upon its journal." 3. What is said of appropriation bills? 4. What if such a bill be passed only two days before the Legislature adjourns?

ceed to reconsider it. If, after such reconsideration, two thirds of the members present agree to pass the bill, it shall be sent, with the objections, to the other House, by which likewise it shall be reconsidered; and, if approved by two thirds of the members of that House, it shall become a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor with his objections within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent its return; in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of State, and give notice thereof by public proclamation within twenty days after such adjournment. If any bill presented to the Governor contains several items of appropriation, he may object to one or more of such items, and approve the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and no item so objected to shall take effect. If the Legislature be in session he shall transmit to the House in which the bill originated a copy of such statement, and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two thirds of the members present of each House, the same shall be part of the law, notwithstanding the objections of the Governor. If any such bill, containing several items of appropriation, not having been presented to the Governor ten days (Sundays excepted) prior to adjournment, be in the hands of the Governor at the time of adjournment, he shall have twenty days from such adjournment within which to file objections to any items thereof and make proclamation of the same, and such item or items shall not take effect.

SEC. 15. Every order, resolution, or vote to which the concurrence of both Houses of the Legislature may be necessary, except on questions of adjournment, shall be presented to the Governor, and, before

SEC. XV.—1. What has the Governor to do with the adjourning of the Legislature?

it shall take effect, shall be approved by him ; or, being disapproved, shall be re-passed by both Houses ; and all the rules, provisions, and limitations shall apply thereto as prescribed in the last preceding section in the case of a bill.

SEC. 16. There shall also be a Lieutenant-governor, who shall be chosen at every election for Governor by the same electors, in the same manner, continue in office the same time, and possess the same qualifications. The electors shall distinguish for whom they vote as Governor and for whom as Lieutenant-governor. The Lieutenant-governor shall by virtue of his office be president of the Senate, and shall have, when in Committee of the Whole, a right to debate and vote on all questions ; and when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability, or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant-governor shall exercise the powers and authority appertaining to the office of Governor until another be chosen at the periodical election, and be duly qualified ; or until the Governor impeached, absent, or disabled, shall be acquitted, return, or his disability be removed.

SEC. 17. If, during the vacancy in the office of Governor, the Lieutenant-governor should die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached or absent from the State, the president of the Senate, for the time being, shall, in like manner, administer the government until he shall be superseded by a Governor or Lieutenant-governor. The Lieutenant-governor shall, while he acts as president of the Senate, receive for his services the same compensation and mileage which shall be allowed to the members of the Senate, and no more ; and during the time he administers the government, as Governor, he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and

SEC. XVI.—1. What are the qualifications of the Lieutenant-governor? 2. What are his duties? 3. What is meant by "Committee of the Whole"? 4. What is meant by "the casting vote"? 5. Under what circumstances may he become Governor? 6. Has any Governor of Texas been impeached?

SEC. XVII.—1. If both Governor and Lieutenant-governor die, who becomes Governor? 2. What salary does the Lieutenant-governor receive?

no more. The president, for the time being, of the Senate, shall, during the time he administers the government, receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office.

SEC. 18. The Lieutenant-governor or president of the Senate succeeding to the office of Governor shall, during the entire term to which he may succeed, be under all the restrictions and inhibitions imposed in this Constitution on the Governor.

SEC. 19. There shall be a Seal of the State, which shall be kept by the Secretary of State, and used by him officially under the direction of the Governor. The Seal of the State shall be a star of five points, encircled by olive and live oak branches, and the words. "The State of Texas."

SEC. 20. All commissions shall be in the name and by the authority of the State of Texas, sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

SEC. 21. There shall be a Secretary of State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and who shall continue in office during the term of service of the Governor. He shall authenticate the publication of the laws, and keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the Legislature, or either House thereof, and shall perform such other duties as may be required of him by law. He shall receive for his services an annual salary of two thousand dollars, and no more.

SEC. 22. The Attorney-general shall hold his office for two years and until his successor is duly qualified. He shall represent the State in all suits and pleas in the Supreme Court of the State in which the

SEC. XVIII.—1. Give the section. 2. Define "inhibitions."

SEC. XIX.—1. Describe the seal of Texas. 2. Who keeps it? 3. Who may use it?

SEC. XX.—1. What is said of commissions? 2. What is the meaning of "attested"?

SEC. XXI.—1. How is the Secretary of State chosen? 2. What are his duties? 3. What is his salary?

SEC. XXII.—1. How long does the Attorney-general hold office? 2. What are his duties? 3. What is the greatest salary he can receive?

State may be a party, and shall especially inquire into the charter rights of all private corporations, and from time to time, in the name of the State, take such action in the courts as may be proper and necessary to prevent any private corporation from exercising any power or demanding or collecting any species of taxes, tolls, freight, or wharfage, not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the Governor and other executive officers, when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of government during his continuance in office. He shall receive for his services an annual salary of two thousand dollars, and no more, besides such fees as may be prescribed by law; *provided*, that the fees which he may receive shall not amount to more than two thousand dollars annually.

SEC. 23. The Comptroller of Public Accounts, the Treasurer, and the Commissioner of the General Land Office shall each hold office for the term of two years, and until his successor is qualified; receive an annual salary of two thousand and five hundred dollars, and no more; reside at the capital of the State during his continuance in office; and perform such duties as are or may be required of him by law. They and the Secretary of State shall not receive to their own use any fees, costs, or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this section, or in his office, shall be paid, when received, into the State treasury.

SEC. 24. An account shall be kept by the officers of the executive department, and by all officers and managers of State institutions, of all moneys and choses in action received and disbursed or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the Governor under oath. The Governor may, at any time, require information in writing from any and all of said officers or managers,

SEC. XXIII.—1. Give names and salaries of officers herein mentioned. 2. What is done with their fees? 3. Define "perquisites."

SEC. XXIV.—1. Give Section 24 in your own words. 2. Why is this necessary? 3. What is the punishment for perjury?

upon any subject relating to the duties, condition, management, and expenses of their respective offices and institutions, which information shall be required by the Governor under oath, and the Governor may also inspect their books, accounts, vouchers, and public funds; and any officer or manager who, at any time, shall willfully make a false report or give false information, shall be guilty of perjury, and so adjudged and punished accordingly, and removed from office.

SEC. 25. The Legislature shall pass efficient laws facilitating the investigation of breaches of trust and duty by all custodians of public funds, and providing for their suspension from office on reasonable cause shown, and for the appointment of temporary incumbents of their offices during such suspension.

SEC. 26. The Governor, by and with the advice and consent of two thirds of the Senate, shall appoint a convenient number of notaries public for each county, who shall perform such duties as now are or may be prescribed by law.

ARTICLE V.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in one Supreme Court, in a Court of Appeals, in District Courts, in County Courts, in Commissioners' Courts, in Courts of Justices of the Peace, and in such other courts as may be established by law. The Legislature may establish Criminal District Courts, with such jurisdiction as it may prescribe, but no such court shall be established unless the district includes a city containing at least thirty thousand inhabitants, as ascertained by the census of the United States or other official census; *provided*, such town or city shall support said Criminal District Courts when established. The Criminal District Court of Galveston and Harris counties shall continue with the district, juris-

SEC. XXV.—1. What are meant by "breaches of trust"? 2. Define "temporary incumbent."

SEC. XXVI.—1. What are the duties of notaries public? 2. How are they appointed?

SEC. I.—1. Name the six different courts. 2. What is said of criminal district courts?

diction, and organization now existing by law, until otherwise provided by law.

SEC. 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to the decision of a case. No person shall be eligible to the office of Chief Justice or Associate Justice of the Supreme Court unless he be at the time of his election a citizen of the United States and of this State, and unless he shall have attained the age of thirty years, and shall have been a practicing lawyer or a judge of a court in this State, or such lawyer and judge together, at least seven years. Said Chief Justice and Associate Justices shall be elected by the qualified voters of the State at a general election, shall hold their offices for six years, and shall each receive an annual salary of not more than three thousand five hundred and fifty dollars. In case of a vacancy in the office of Chief Justice or Associate Justice of the Supreme Court, the Governor shall fill the vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State.

SEC. 3. The Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the State; but shall only extend to civil cases of which the District Courts have original appellate jurisdiction. Appeals may be allowed from interlocutory judgments of the District Courts, in such cases and under such regulations as may be provided by law. The Supreme Court and the judges thereof shall have power to issue, under such regulations as may be prescribed by law, the writ of *mandamus*, and all other writs necessary to enforce the jurisdiction of said court. The Supreme Court shall have power, upon affidavit or otherwise, as by the court may be thought proper, to ascertain such matters of fact

SEC. II.—1. Of what does the Supreme Court consist? 2. Name the qualifications of Chief and Associate Justices. 3. How are they chosen? 4. Salary? 5. Length of term?

SEC. III.—1. Define "appellate jurisdiction." 2. What civil cases may come before this court? 3. Explain meaning of "interlocutory judgments." 4. What powers has the Supreme Court? 5. When and where does the Supreme Court meet?

as may be necessary to the proper exercise of its jurisdiction. The Supreme Court shall sit for the transaction of business from the first Monday in October until the last Saturday of June of every year, at the seat of government, and at not more than two other places in the State.

SEC. 4. The Supreme Court shall appoint a clerk for each place at which it may sit, and each of said clerks shall give bond in such manner as is now or may hereafter be required by law; shall hold his office for four years, and shall be subject to removal by said court for good cause entered of record on the minutes of said court.

SEC. 5. The Court of Appeals shall consist of three judges, any two of whom may constitute a quorum, and a concurrence of two judges shall be necessary to a decision of said court. They shall be elected by the qualified voters of the State at a general election. They shall be citizens of the United States and of this State; shall have arrived at the age of thirty years at the time of election; each shall have been a practicing lawyer, or a judge of a court in this State, or such lawyer and judge together, for at least seven years. Said judges shall hold their offices for a term of six years, and each of them shall receive an annual salary of three thousand five hundred and fifty dollars, which shall not be increased or diminished during their term of office.

SEC. 6. The Court of Appeals shall have appellate jurisdiction co-extensive with the limits of the State in all criminal cases, of whatever grade, and in all civil cases, unless hereafter otherwise provided by law, of which the County Courts have original or appellate jurisdiction. In civil cases its opinions shall not be published unless the publication of such opinions be required by law. The Court of Appeals and the judges thereof shall have power to issue the writ of *habeas corpus*; and under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce

SEC. IV.—1. Give Section 4.

SEC. V.—1. Who compose the Court of Appeals? 2. Who elect the Court of Appeals? 3. Name qualifications of the judges. 4. Term of office. 5. Salary.

SEC. VI.—1. What criminal cases come before the Court of Appeals? 2. What civil cases come before the Court of Appeals? 3. What powers has the Court of Appeals? 4. When and where does the Court of Appeals meet?

its own jurisdiction. The Court of Appeals shall have power, upon affidavits, or otherwise, as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. The Court of Appeals shall sit for the transaction of business from the first Monday of October until the last Saturday of June of every year, at the capital, and at not more than two other places in the State, at which the Supreme Court shall hold its sessions. The court shall appoint a clerk for each place at which it may sit, and each of said clerks shall give bond in such manner as is now or may hereafter be required by law; shall hold his office for four years, and shall be subject to removal by the said court for good cause, entered of record on the minutes of said court.

SEC. 7. The State shall be divided into twenty-six judicial districts, which may be increased or diminished by the Legislature. For each district there shall be elected, by the qualified voters thereof, at a general election for members of the Legislature, a judge, who shall be at least twenty-five years of age, shall be a citizen of the United States, shall have been a practicing attorney or a judge of a court in this State for the period of four years, and shall have resided in the district in which he is elected for two years next before his election; shall reside in his district during his term of office; shall hold his office for the term of four years; shall receive an annual salary of twenty-five hundred dollars, which shall not be increased or diminished during his term of service; and shall hold the regular terms of court at one place in each county in the district twice in each year, in such manner as may be prescribed by law. The Legislature shall have power by general act to authorize the holding of special terms, when necessary, and to provide for holding more than two terms of the court in any county, for the dispatch of business; and shall provide for the holding of District Courts when the judge thereof is absent, or is from any cause disabled or disqualified from presiding.

SEC. 8. The District Court shall have original jurisdiction in criminal cases of the grade of felony; of all suits in behalf of the State to recover penalties, forfeitures, and escheats; of all cases of

SEC. VII.—1. How many judicial districts has Texas? 2. Give the qualifications of a district judge. 3. Salary. 4. Length of term. 5. His duties.

divorce; in cases of misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for the trial of title to land, and for the enforcement of liens thereon; of all suits for trial of right to property levied on by virtue of any writ of execution, sequestration, or attachment, when the property levied on shall be equal to or exceed in value five hundred dollars; and of all suits, complaints, or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at, or amount to five hundred dollars, exclusive of interest; and the said courts and the judges thereof shall have power to issue writs of *habeas corpus* in felony cases, *mandamus*, injunction, *certiorari*, and all writs necessary to enforce their jurisdiction. The District Courts shall have appellate jurisdiction and general control in probate matters over the County Court established in each county for appointing guardians, granting letters testamentary and of administration, for settling the accounts of executors, administrators, and guardians, and for the transaction of business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians, and minors, under such regulations as may be prescribed by the Legislature. All cases now pending in the Supreme Court, of which the Court of Appeals has appellate jurisdiction under the provisions of this Article, shall, as soon as practicable after the establishment of said Court of Appeals, be certified, and the records transmitted to the Court of Appeals, and shall be decided by such Court of Appeals as if the same had been originally appealed to such court.

SEC. 9. There shall be a clerk for the District Court of each county, who shall be elected by the qualified voters for the State and county officers, and who shall hold his office for two years, subject to removal by information, or by indictment of a grand jury, and conviction by a petit jury. In case of vacancy the judge of the Dis-

SEC. VIII.—1. In what cases has the District Court original jurisdiction? 2. Define "escheats," "sequestration," "mandamus," "certiorari." 3. In what cases has the District Court appellate jurisdiction?

SEC. IX.—1. How is the clerk of the District Court selected? 2. How may he be removed?

trict Court shall have the power to appoint a clerk, who shall hold until the office can be filled by election.

SEC. 10. In the trial of all causes in the District Courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury; but no jury shall be impaneled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum, and with such exceptions as may be prescribed by the Legislature.

SEC. 11. No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity, within such degree as may be prescribed by law, or where he shall have been counsel in the case. When the Supreme Court, or the Appellate Court, or any two of the members of either, shall be thus disqualified to hear and determine any case or cases in said court, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of said cause or causes. When a judge of the District Court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or, upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law. And the District Judges may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law. The disqualification of judges of inferior tribunals shall be remedied, and vacancies in their offices shall be filled, as prescribed by law.

SEC. 12. All judges of the Supreme Court, Court of Appeals, and District Courts shall, by virtue of their offices, be conservators of the peace throughout the State. The style of all writs and process shall be "The State of Texas." All prosecutions shall be carried on in the

SEC. X.—1. When is a civil case tried in a District Court before a jury?

SEC. XI.—1. In what cases is a judge forbidden to preside? 2. What if a majority of the Supreme or Appellate Court be disqualified? 3. What is done if a judge of the District Court be thus disqualified?

SEC. XII.—1. What is meant by "conservators of the peace"? 2. What shall be the style of all writs?

name and by the authority of "The State of Texas," and conclude "against the peace and dignity of the State."

SEC. 13. Grand and petit juries in the District Courts shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact business and present bills. In trials of civil cases, and in trials of criminal cases below the grade of felony, in the District Courts, nine members of the jury, concurring, may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or more jurors not exceeding three, may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict; *provided*, that the Legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

SEC. 14. The Judicial Districts in this State and the time of holding the courts therein are fixed by ordinance forming part of this Constitution, until otherwise provided by law.

SEC. 15. There shall be established in each county in this State a County Court, which shall be a court of record; and there shall be elected in each county, by the qualified voters, a County Judge, who shall be well informed in the law of the State; shall be a conservator of the peace, and shall hold his office for two years, and until his successor shall be elected and qualified. He shall receive as a compensation for his services such fees and perquisites as may be prescribed by law.

SEC. 16. The County Court shall have original jurisdiction in all misdemeanors, of which exclusive original jurisdiction is not given to the Justice's Court, as the same are now or may be hereafter prescribed by law, and when the fine to be imposed shall exceed two hundred

SEC. XIII.—1. Of how many men does a jury consist? 2. What is said of a grand jury? 3. Under what circumstances may a part of a jury render a verdict?

SEC. XV.—1. What is said of the County Judge?

SEC. XVI.—1. In what cases has the County Court original jurisdiction? 2. Concurrent jurisdiction? 3. Appellate jurisdiction? 4. What is said of appeals from the Justice's Courts? 5. When can one appeal from the County Court to the Court of Appeals? 6. Name some of the duties of the County Court,

dollars; and they have exclusive original jurisdiction in all civil cases when the matter in controversy shall exceed in value two hundred dollars, and not exceed five hundred dollars, exclusive of interest; and concurrent jurisdiction with the District Courts, when the matter in controversy shall exceed five hundred and not exceed one thousand dollars, exclusive of interest; but shall not have jurisdiction of suits for the recovery of land. They shall have appellate jurisdiction in cases, civil and criminal, of which Justice's Courts have original jurisdiction, but of such civil cases only when the judgment of the court appealed from shall exceed twenty dollars, exclusive of costs, under such regulations as may be prescribed by law. In all appeals from Justice's Courts, there shall be a trial *de novo* in the County Court, and when the judgment rendered or fine imposed by the County Court shall not exceed one hundred dollars such trial shall be final; but if the judgment rendered or fine imposed shall exceed one hundred dollars, as well as in all cases, civil and criminal, of which the County Court has exclusive or concurrent original jurisdiction, an appeal shall lie to the Court of Appeals, under such regulations as may be prescribed by law. The County Courts shall have the general jurisdiction of a Probate Court. They shall probate wills, appoint guardians of minors, idiots, lunatics, persons *non compos mentis*, and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators, and guardians, transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons *non compos mentis*, and common drunkards, including the settlement, partition, and distribution of estates of deceased persons, and to apprentice minors, as provided by law. And the County Courts, or judges thereof, shall have power to issue writs of *mandamus*, injunction, and all other writs necessary to the enforcement of the jurisdiction of said courts; and to issue writs of *habeas corpus* in cases where the offense charged is within the jurisdiction of the County Court, or any other court or tribunal inferior to said court. The County Court shall not have criminal jurisdiction in any county where there is a Criminal District Court, unless expressly conferred by law; and in such counties appeals from Justice's Courts and other inferior courts and tribunals, in criminal cases, shall be to the Criminal

District Courts, under such regulations as may be prescribed by law, and in all such cases an appeal shall lie from such District Courts to the Court of Appeals. Any case pending in the County Court, which the County Judge may be disqualified to try, shall be transferred to the District Court of the same county for trial; and where there exists any cause disqualifying the County Judge for the trial of a cause of which the County Court has jurisdiction, the District Court of such county shall have original jurisdiction of such cause.

SEC. 17. The County Court shall hold a term for civil business at least once in every two months, and shall dispose of probate business, either in term-time or vacation, as may be provided by law; and said court shall hold a term for criminal business once in every month, as may be provided by law. Prosecutions may be commenced in said court by information filed by the County Attorney, or by affidavit, as may be provided by law. Grand juries impaneled in the District Courts shall inquire into misdemeanors, and all indictments therefor returned into the District Courts shall forthwith be certified to the County Courts, or other inferior courts having jurisdiction to try them, for trial; and if such indictment be quashed in the County or other inferior court, the person charged shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the County Court shall consist of six men; but no jury shall be impaneled to try a civil case, unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed by law, unless he makes affidavit that he is unable to pay the same.

SEC. 18. Each organized county in the State, now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. The present County Courts shall make the first division. Subsequent divisions shall be made by the Commissioners' Court, provided for by this Constitution. In each such precinct there shall be elected, at

SEC. XVII.—1. How often does the County Court hold a term? 2. How many jurors are required in the County Court? 3. When may a jury be impaneled?

SEC. XVIII.—1. How many precincts does your county contain? 2. How are these precincts organized? 3. Name the officers of the precincts.

each biennial election, one Justice of the Peace and one Constable, each of whom shall hold his office for two years, and until his successor shall be elected and qualified; *provided*, that in any precinct in which there may be a city of eight thousand or more inhabitants, there shall be elected two Justices of the Peace. Each county shall in like manner be divided into four commissioners' precincts, in each of which there shall be elected, by the qualified voters thereof, one County Commissioner, who shall hold his office for two years, and until his successor shall be elected and qualified. The County Commissioners so chosen, with the County Judge, as presiding officer, shall compose the County Commissioners' Court, which shall exercise such powers and jurisdiction over all county business as is conferred by this Constitution and the laws of this State, or as may be hereafter prescribed.

SEC. 19. Justices of the Peace shall have jurisdiction in criminal matters of all cases where the penalty or fine to be imposed by law may not be more than for two hundred dollars, and in civil matters of all cases where the amount in controversy is two hundred dollars or less, exclusive of interest, of which exclusive original jurisdiction is not given to the District or County Courts; and such other jurisdiction, criminal and civil, as may be provided by law, under such regulations as may be prescribed by law; and appeals to the County Courts shall be allowed in all cases decided in Justice's Courts where the judgment is for more than twenty dollars exclusive of costs, and in all criminal cases, under such regulations as may be prescribed by law. And the Justices of the Peace shall be *ex-officio* notaries public; and they shall hold their courts at such times and places as may be provided by law.

SEC. 20. There shall be elected for each county, by the qualified voters, a County Clerk, who shall hold his office for two years, who shall be Clerk of the County and Commissioners' Courts and Recorder of the county, whose duties, perquisites, and fees of office shall be prescribed by the Legislature, and a vacancy in whose office shall be filled by the Commissioners' Court, until the next general election for

SEC. XIX.—1. Over what cases has a Justice of Peace jurisdiction?

SEC. XX.—1. What is said of the County Clerk?

county and State officers; *provided*, that in counties having a population of less than eight thousand persons there may be an election of a single clerk, who shall perform the duties of District and County Clerk.

SEC. 21. A County Attorney, for counties in which there is not a resident Criminal District Attorney, shall be elected by the qualified voters of each county, who shall be commissioned by the Governor, and hold his office for the term of two years. In case of vacancy, the Commissioners' Court of the county shall have power to appoint a County Attorney until the next general election. The County Attorneys shall represent the State in all cases in the District and inferior courts in their respective counties; but if any county shall be included in a district in which there shall be a District Attorney, the respective duties of District Attorneys and County Attorneys shall in such counties be regulated by the Legislature. The Legislature may provide for the election of District Attorneys in such districts as may be deemed necessary, and make provision for the compensation of District Attorneys and County Attorneys; *provided*, District Attorneys shall receive an annual salary of five hundred dollars, to be paid by the State, and such fees, commissions, and perquisites as may be provided by law. County Attorneys shall receive as compensation only such fees, commissions, and perquisites as may be prescribed by law.

SEC. 22. The Legislature shall have power, by local or general law, to increase, diminish, or change the civil and criminal jurisdiction of County Courts; and in cases of any such change of jurisdiction the Legislature shall also conform the jurisdiction of the other courts to such change.

SEC. 23. There shall be elected by the qualified voters of each county a Sheriff, who shall hold his office for the term of two years, whose duties, and perquisites, and fees of office, shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the Commissioners' Court until the next general election for county or State officers.

SEC. XXI.—1. What counties have County Attorneys? 2. How is the County Attorney chosen? 3. His duties? 4. What is said of District Attorneys?

SEC. XXIII.—1. What is said of the Sheriff?

SEC. 24. County Judges, County Attorneys, Clerks of the District and County Courts, Justices of the Peace, Constables, and other county officers, may be removed by the Judges of the District Courts for incompetency, official misconduct, habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing, and the finding of its truth by a jury.

SEC. 25. The Supreme Court shall have power to make rules and regulations for the government of said court, and the other courts of the State, to regulate proceedings and expedite the dispatch of business therein.

SEC. 26. The State shall have no right of appeal in criminal cases.

SEC. 27. The Legislature shall, at its first session, provide for the transfer of all business, civil and criminal, pending in District Courts, over which jurisdiction is given by this Constitution to the County Courts, or other inferior courts, to such County or inferior courts, and for the trial or disposition of all such causes by such County or other inferior courts.

SEC. 28. Vacancies in the office of judges in the Supreme Court, of the Court of Appeals, and District Court, shall be filled by the Governor until the next succeeding general election; and vacancies in the office of County Judge, and Justices of the Peace, shall be filled by the Commissioners' Court, until the next general election for such offices.

ARTICLE VI.

SUFFRAGE.

SECTION 1. The following classes of persons shall not be allowed to vote in this State, to wit:

First.—Persons under twenty-one years of age.

Second.—Idiots and lunatics.

Third.—All paupers supported by any county.

Fourth.—All persons convicted of any felony, subject to such exceptions as the Legislature may make.

SEC. XXIV.—1. For what causes may the officers above named be removed?

SEC. XXVI.—1. In your opinion, is this section a wise one? Why?

SEC. I.—1. Name all classes of persons that are not allowed to vote in Texas.

Fifth.—All soldiers, marines, and seamen employed in the service of the army or navy of the United States.

SEC. 2. Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector; and every male person of foreign birth, subject to none of the foregoing disqualifications, who, at any time before an election, shall have declared his intention to become a citizen of the United States in accordance with the Federal Naturalization Laws, and shall have resided in this State one year next preceding such election, and the last six months in the county in which he offers to vote, shall also be deemed a qualified elector; and all electors shall vote in the election precinct of their residence; *provided*, that electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes.

SEC. 3. All qualified electors of the State, as herein described, who shall have resided for six months immediately preceding an election within the limits of any city or corporate town, shall have the right to vote for Mayor and all other elective officers; but in all elections to determine expenditure of money or assumption of debt, only those shall be qualified to vote who pay taxes on property in said city or incorporated town; *provided*, that no poll tax for the payment of debts thus incurred shall be levied upon the persons debarred from voting in relation thereto.

SEC. 4. In all elections by the people the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets, and make such other regulations as may be necessary to detect and punish fraud, and preserve the purity of the ballot box; but no

SEC. II.—1. Mr. X., a lawyer of forty years, moved to Texas fourteen months since; he lived in Dallas ten months and then moved to Galveston. Can he vote?
2. When can foreigners vote?

SEC. III.—1. Show why this law is just.

SEC. IV.—1. Give this section in your own words. 2. Was registration of votes ever required in Texas? When?

law shall ever be enacted requiring a registration of the voters of this State.

SEC. 5. Voters shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

ARTICLE VII.

EDUCATION.—THE PUBLIC FREE SCHOOLS.

SECTION 1. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

SEC. 2. All funds, lands, and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made, or that may hereafter be made to railroads, or other corporations, of any nature whatsoever; one half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual school fund.

SEC. 3. There shall be set apart annually not more than one fourth of the general revenue of the State, and a poll tax of one dollar on all male inhabitants in this State between the ages of twenty-one and sixty years, for the benefit of the public free schools.

SEC. 4. The land herein set apart to the public free school fund shall be sold under such regulations, at such times, and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to the purchasers thereof. The Comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the Board of Education herein provided for, in the bonds of this State, if the same can be obtained, otherwise in United States bonds; and the United States bonds now belonging to

SEC. I.—1. Why are free schools absolutely necessary?

SEC. II.—1. Of what does the perpetual school fund consist?

SEC. III.—1. What other means of support have our schools?

said fund shall likewise be invested in State bonds, if the same can be obtained on terms advantageous to the school fund.

SEC. 5. The principal of all bonds, and other funds, and the principal arising from the sale of the lands hereinbefore set apart for said school fund, shall be the permanent school fund; and all the interest derivable therefrom, and the taxes herein authorized and levied, shall be the available school fund, which shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to, or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population, and applied in manner as may be provided by law.

SEC. 6. All lands heretofore or hereafter granted to the several counties of this State for education or schools, are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the Commissioners' Court of the county. Actual settlers residing on said lands shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the State of Texas, or of the United States, and only the interest thereon to be used and expended annually.

SEC. 7. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.

SEC. 8. The Governor, Comptroller, and Secretary of State shall constitute a Board of Education, who shall distribute said funds to

SEC. V.—1. What schools can not receive any portion of the public money?
2. How is the money distributed?

the several counties, and perform such other duties concerning public schools as may be prescribed by law.

ASYLUMS.

SEC. 9. All lands heretofore granted for the benefit of the Lunatic, Blind, Deaf and Dumb, and Orphan Asylums, together with such donations as may have been or may hereafter be made to either of them, respectively, as indicated in the several grants, are hereby set apart to provide a permanent fund for the support, maintenance, and improvement of said asylums. And the Legislature may provide for the sale of the lands and investment of the proceeds in manner as provided for the sale and investment of school lands in Section 4 of this Article.

UNIVERSITY.

SEC. 10. The Legislature shall, as soon as practicable, establish, organize, and provide for the maintenance, support, and direction of a university of the first class, to be located by a vote of the people of this State, and styled "The University of Texas," for the promotion of literature, and the arts and sciences, including an agricultural and mechanical department.

SEC. 11. In order to enable the Legislature to perform the duties set forth in the foregoing section, it is hereby declared that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of "The University of Texas," together with all the proceeds of sales of the same, heretofore made or hereafter to be made, and all grants, donations, and appropriations that may hereafter be made by the State of Texas, or from any other source, shall constitute and become a permanent university fund. And the same as realized and received into the Treasury of the State (together with such sums, belonging to the fund, as may now be in the Treasury), shall be invested in bonds of the State of Texas, if the

SEC. VIII.—1. Who constitute the Board of Education? 2. What new school officer was created during Ireland's administration?

SEC. IX.—1. What is said of the asylums? 2. What asylum was located at Corsicana recently?

SEC. X.—1. Give the section. 2. Where was it located?

same can be obtained, if not, then in United States bonds; and the interest accruing thereon shall be subject to appropriation by the Legislature to accomplish the purpose declared in the foregoing section; *provided*, that one tenth of the alternate sections of the lands granted to railroads, reserved by the State, which were set apart and appropriated to the establishment of "The University of Texas," by an act of the Legislature of February 11, 1858, entitled "An act to establish 'The University of Texas,'" shall not be included in or constitute a part of the permanent university fund.

SEC. 12. The land herein set apart to the university fund shall be sold under such regulations, at such times, and on such terms, as may be provided by law; and the Legislature shall provide for the prompt collection, at maturity, of all debts due on account of university lands, heretofore sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchasers.

SEC. 13. The Agricultural and Mechanical College of Texas, established by an act of the Legislature, passed April 17, 1871, located in the county of Brazos, is hereby made and constituted a branch of the University of Texas, for instruction in agriculture, the mechanic arts, and the natural sciences connected therewith. And the Legislature shall, at its next session, make an appropriation, not to exceed forty thousand dollars, for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said college in immediate and successful operation.

SEC. 14. The Legislature shall also, when deemed practicable, establish and provide for the maintenance of a college or branch university for the instruction of the colored youths of the State, to be located by a vote of the people; *provided*, that no tax shall be levied, and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

SEC. 15. In addition to the lands heretofore granted to the University of Texas, there is hereby set apart and appropriated, for the

SEC. XIII.—1. What is said of the Agricultural and Mechanical College?

SEC. XIV.—1. Has this section been carried out by the Legislature?

SEC. XV,—1. What endowment is here given the State University?

endowment, maintenance, and support of said University and its branches, one million acres of the unappropriated public domain of the State, to be designated and surveyed as may be provided by law; and said lands shall be sold under the same regulations, and the proceeds invested in the same manner as is provided for the sale and investment of the permanent University fund; and the Legislature shall not have power to grant any relief to the purchasers of said lands.

ARTICLE VIII.

TAXATION AND REVENUE.

SECTION 1. Taxation shall be equal and uniform. All property in this State, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law. The Legislature may impose a poll tax. It may also impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this State. It may tax incomes of both natural persons and corporations, other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax; *provided*, that two hundred and fifty dollars' worth of household and kitchen furniture, belonging to each family in this State, shall be exempt from taxation; and *provided* further, that the occupation tax levied by any county, city, or town, for any year, on persons or corporations pursuing any profession or business, shall not exceed one half of the tax levied by the State for the same period on such profession or business.

SEC. 2. All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax; but the Legislature may, by general laws, exempt from taxation public property used for public purposes; actual places of religious worship; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associa-

SEC. I.—1. What pursuits are free from occupation tax? 2. What furniture is free from tax?

SEC. II.—1. What property may the Legislature exempt from taxation?

tions of persons for school purposes (and the necessary furniture of all schools), and institutions of purely public charity; and all laws exempting property from taxation other than the property above mentioned, shall be void.

SEC. 3. Taxes shall be levied and collected by general laws and for public purposes only.

SEC. 4. The power to tax corporations and corporate property shall not be surrendered or suspended by act of the Legislature, by any contract or grant to which the State shall be a party.

SEC. 5. All property of railroad companies, of whatever description, lying or being within the limits of any city or incorporated town within this State, shall bear its proportionate share of municipal taxation; and if any such property shall not have been heretofore rendered, the authorities of the city or town within which it lies shall have power to require its rendition, and collect the usual municipal tax thereon, as on other property lying within said municipality.

SEC. 6. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except by the first Legislature to assemble under this Constitution, which may make the necessary appropriations to carry on the government until the assemblage of the Sixteenth Legislature.

SEC. 7. The Legislature shall not have power to borrow, or in any manner divert from its purpose any special fund that may, or ought to, come into the treasury; and shall make it penal for any person or persons to borrow, withhold, or in any manner to divert from its purpose any special fund, or any part thereof.

SEC. 8. All property of railroad companies shall be assessed, and the taxes collected in the several counties in which said property is situated, including so much of the road-bed and fixtures as shall be in each county. The rolling stock may be assessed in gross in the county where the principal office of the company is located, and the county tax paid upon it shall be apportioned by the Comptroller, in proportion to the distance such road may run through any such

county, among the several counties through which the road passes, as a part of their tax assets.

SEC. 9. The State tax on property, exclusive of the tax necessary to pay the public debt, shall never exceed fifty cents on the one hundred dollars valuation, and no county, city, or town shall levy more than one half of said State tax, except for the payment of debts already incurred, and for the erection of public buildings, not to exceed fifty cents on the one hundred dollars in any one year, and except as in this Constitution is otherwise provided.

SEC. 10. The Legislature shall have no power to release the inhabitants of, or property in, any county, city, or town from the payment of taxes levied for State or county purposes, unless in case of great public calamity in any such county, city, or town, when such release may be made by a vote of two thirds of each House of the Legislature.

SEC. 11. All property, whether owned by persons or corporations, shall be assessed for taxation, and the taxes paid in the county where situated, but the Legislature may, by a two-thirds vote, authorize the payment of taxes of non-residents of counties to be made at the office of the Comptroller of Public Accounts. And all lands and other property not rendered for taxation by the owner thereof shall be assessed at its fair value by the proper officer.

SEC. 12. All property subject to taxation in and owned by residents of unorganized counties, shall be assessed and the taxes thereon paid in the counties to which such unorganized counties shall be attached for judicial purposes; and lands lying in and owned by non-residents of unorganized counties, and lands lying in the territory, not laid off into counties, shall be assessed and the taxes thereon collected at the office of the Comptroller of the State.

SEC. 13. Provision shall be made by the first Legislature for the speedy sale of a sufficient portion of all lands and other property for the taxes due thereon, and every year thereafter for the sale of all lands and other property upon which the taxes have not been paid,

SEC. IX.--1. What is the limit of taxation?

SEC. X.--1. When may the Legislature release a county or district from taxation? 2. Has it ever been done?

and the deed of conveyance to the purchaser for all lands and other property thus sold shall be held to vest a good and perfect title in the purchaser thereof, subject to be impeached only for actual fraud; *provided*, that the former owner shall, within two years from date of purchaser's deed, have the right to redeem the land upon the payment of double the amount of money paid for the land.

SEC. 14. There shall be elected by the qualified electors of each county, at the same time and under the same law regulating the election of State and county officers, an assessor of taxes, who shall hold his office for two years, and until his successor is elected and qualified.

SEC. 15. The annual assessment made upon landed property shall be a special lien thereon, and all property, both real and personal, belonging to any delinquent tax-payer, shall be liable to seizure and sale for the payment of all the taxes and penalties due by such delinquent; and such property may be sold for the payment of the taxes and penalties due by such delinquent, under such regulations as the Legislature may provide.

SEC. 16. The sheriff of each county, in addition to his other duties, shall be the collector of taxes therefor. But in counties having ten thousand inhabitants, to be determined by the last preceding census of the United States, a collector of taxes shall be elected to hold office for two years, and until his successor shall be elected and qualified.

SEC. 17. The specification of the objects and subjects of taxation shall not deprive the Legislature of the power to require other subjects or objects to be taxed in such manner as may be consistent with the principles of taxation fixed in this Constitution.

SEC. 18. The Legislature shall provide for equalizing, as near as may be, the valuation of all property subject to or rendered for taxation (the County Commissioner's Court to constitute a board of equalization); and may also provide for the classification of all lands, with reference to their value in the several counties.

ARTICLE IX.

COUNTIES.

SECTION 1. The Legislature shall have power to create counties for the convenience of the people, subject to the following provisions:

First.—In the territory of the State exterior to all counties now existing, no new counties shall be created with a less area than nine hundred square miles, in a square form, unless prevented by pre-existing boundary lines. Should the State lines render this impracticable in border counties, the area may be less. The territory referred to may, at any time, in whole or in part, be divided into counties in advance of population, and attached, for judicial and land-surveying purposes, to the most convenient organized county or counties.

Second.—Within the territory of any county or counties now existing, no new county shall be created with a less area than seven hundred square miles, nor shall any such county now existing be reduced to a less area than seven hundred square miles. No new counties shall be created so as to approach nearer than twelve miles of the county seat of any county from which it may, in whole or in part, be taken. Counties of a less area than nine hundred, but of seven hundred or more square miles, within counties now existing, may be created by a two-thirds vote of each House of the Legislature, taken by yeas and nays, and entered on the journals. Any county now existing may be reduced to an area of not less than seven hundred square miles, by a like two-thirds vote. When any part of a county is stricken off and attached to or created into another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it was taken, in such manner as may be prescribed by law.

Third.—No part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted, in such manner as may be provided by law, to a vote of the electors of both counties, and shall have received a majority of those voting on the question in each.

COUNTY SEATS.

SEC. 2. The Legislature shall pass laws regulating the manner of removing county seats, but no county seat situated within five miles of the geographical center of the county shall be removed, except by a vote of two thirds of all the electors voting on the subject. A majority of such electors, however, voting at such election, may remove a county seat from a point more than five miles from the geographical center of the county to a point within five miles of such center, in either case the center to be determined by a certificate from the Commissioner of the General Land Office.

ARTICLE X.

RAILROADS.

SECTION 1. Any railroad corporation or association, organized under the law for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with, or cross any other railroad; and shall receive and transport each the other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination, under such regulations as shall be prescribed by law.

SEC. 2. Railroads heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies common carriers. The Legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State; and shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on said railroads, and enforce all such laws by adequate penalties.

SEC. 3. Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and

where shall be kept, for inspection by the stockholders of such corporations, books, in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the transfer of said stock, with the date of the transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously, and the president or superintendent shall report annually, under oath, to the Comptroller or Governor, their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. The Legislature shall pass laws enforcing by suitable penalties the provisions of this section.

SEC. 4. The rolling stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property, and its real and personal property, or any part thereof, shall be liable to execution and sale in the same manner as the property of individuals; and the Legislature shall pass no laws exempting any such property from execution and sale.

SEC. 5. No railroad or other corporation, or the lessees, purchasers, or managers of any railroad corporation, shall consolidate the stock, property, or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line.

SEC. 6. No railroad company organized under the laws of this State shall consolidate by private or judicial sale or otherwise with any railroad company organized under the laws of any other State or of the United States.

SEC. 7. No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town, or village, or upon any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad.

SEC. 8. No railroad corporation in existence at the time of the adoption of this Constitution shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

SEC. 9. No railroad hereafter constructed in this State shall pass within a distance of three miles of any county seat without passing through the same, and establishing and maintaining a depot therein, unless prevented by natural obstacles, such as streams, hills, or mountains; *provided*, such town or its citizens shall grant the right of way through its limits, and sufficient ground for ordinary depot purposes.

ARTICLE XI.

MUNICIPAL CORPORATIONS.

SECTION 1. The several counties of this State are hereby recognized as legal subdivisions of the State.

SEC. 2. The construction of jails, court-houses, and bridges, and the establishment of county poor-houses and farms, and the laying out, construction, and repairing of county roads shall be provided for by general laws.

SEC. 3. No county, city, or other municipal corporation shall hereafter become a subscriber to the capital of any private corporation or association, or make any appropriation or donation to the same, or in anywise loan its credit; but this shall not be construed to in any way affect any obligation heretofore undertaken pursuant to law.

SEC. 4. Cities and towns having a population of ten thousand inhabitants or less, may be chartered alone by general law. They may levy, assess, and collect an annual tax to defray the current expenses of their local government, but such tax shall never exceed, for any one year, one fourth of one per cent., and shall be collectable only in current money. And all license and occupation tax levied, and all fines, forfeitures, penalties, and other dues accruing to cities and towns shall be collectable only in current money.

SEC. 5. Cities having more than ten thousand inhabitants may have their charters granted or amended by special act of the Legislature, and may levy, assess, and collect such taxes as may be

authorized by law, but no tax for any purpose shall ever be lawful, for any one year, which shall exceed two and one half per cent. of the taxable property of such city; and no debt shall ever be created by any city, unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two per cent. thereon.

SEC. 6. Counties, cities, and towns are authorized, in such mode as may now or may hereafter be provided by law, to levy, assess, and collect the taxes necessary to pay the interest and provide a sinking fund to satisfy any indebtedness heretofore legally made and undertaken; but all such taxes shall be assessed and collected separately from that levied, assessed, and collected for current expenses of municipal government, and shall when levied specify in the act of levying the purpose therefor; and such taxes may be paid in the coupons, bonds, or other indebtedness for the payment of which such tax may have been levied.

SEC. 7. All counties and cities bordering on the coast of the Gulf of Mexico are hereby authorized, upon a vote of two thirds of the tax-payers therein (to be ascertained as may be provided by law), to levy and collect such tax for construction of sea-walls, breakwaters, or sanitary purposes, as may be authorized by law, and may create a debt for such works and issue bonds in evidence thereof. But no debt for any purpose shall ever be incurred in any manner by any city or county, unless provision is made at the time of creating the same, for levying and collecting a sufficient tax to pay the interest thereon and provide at least two per cent. as a sinking fund; and the condemnation of the right of way for the erection of such works shall be fully provided for.

SEC. 8. The counties and cities on the Gulf coast being subject to calamitous overflows, and a very large proportion of the general revenue being derived from those otherwise prosperous localities, the Legislature is especially authorized to aid by donation of such portion of the public domain as may be deemed proper, and in such mode as may be provided by law, the construction of sea-walls, or breakwaters, such aid to be proportioned to the extent and value of the works constructed, or to be constructed, in any locality.

SEC. 9. The property of counties, cities, and towns owned and held only for public purposes, such as public buildings and the sites therefor, fire engines and the furniture thereof, and all property used or intended for extinguishing fires, public grounds, and all other property devoted exclusively to the use and benefit of the public, shall be exempt from forced sale and from taxation; *provided*, nothing herein shall prevent the enforcement of the vendor's lien, the mechanic's or builder's lien, or other liens now existing.

SEC. 10. The Legislature may constitute any city or town a separate and independent school district. And when the citizens of any city or town have a charter, authorizing the city authorities to levy and collect a tax for the support and maintenance of a public institution of learning, such tax may hereafter be levied and collected, if, at any election held for that purpose, two thirds of the tax-payers of such city or town shall vote for such tax.

ARTICLE XII.

PRIVATE CORPORATIONS.

SECTION 1. No private corporations shall be created except by general laws.

SEC. 2. General laws shall be enacted providing for the creation of private corporations, and shall therein provide fully for the adequate protection of the public and of the individual stockholders.

SEC. 3. The right to authorize and regulate freights, tolls, wharfage, or fares levied and collected or proposed to be levied and collected by individuals, companies, or corporations, for the use of highways, landings, wharves, bridges, and ferries, devoted to public use, has never been and shall never be relinquished or abandoned by the State, but shall always be under legislative control and depend upon legislative authority.

SEC. 4. The first Legislature assembled after the adoption of this Constitution shall provide a mode of procedure by the Attorney-general and District or County Attorneys, in the name and behalf of the State, to prevent and punish the demanding and receiving or collection of any and all charges as freight, wharfage, fares, or tolls, for

the use of property devoted to the public, unless the same shall have been specially authorized by law.

SEC. 5. All laws granting the right to demand and collect freights, fares, tolls, or wharfage shall at all times be subject to amendment, modification, or repeal by the Legislature.

SEC. 6. No corporation shall issue stock or bonds except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void.

SEC. 7. Nothing in this Article shall be construed to divest or affect rights guaranteed by any existing grant or statute of this State, or of the Republic of Texas.

ARTICLE XIII.

SPANISH AND MEXICAN LAND TITLES.

SECTION 1. All fines, penalties, forfeitures, and escheats, which have heretofore accrued to the Republic and State of Texas, under their constitutions and laws, shall accrue to the State under this Constitution; and the Legislature shall provide a method for determining what lands have been forfeited, and for giving effect to escheats; and all such rights of forfeiture and escheats to the State shall, *ipso facto*, inure to the protection of the innocent holders of junior titles, as provided in Sections 2, 3, and 4 of this Article.

SEC. 2. Any claim of title or right to land in Texas, issued prior to the 13th day of November, 1835, not duly recorded in the county where the land was situated at the time of such record, or not duly archived in the General Land Office, or not in the actual possession of the grantee thereof, or some person claiming under him, prior to the accruing of junior title thereto from the sovereignty of the soil, under circumstances reasonably calculated to give notice to said junior grantee, has never had, and shall not have, standing or effect against such junior title, or color of title, acquired without such or actual notice of such prior claim of title or right; and no condition annexed to such grants, not archived, or recorded, or occupied as aforesaid, has been, or ever *shall* be released or waived, but actual performance of all such conditions shall be proved by the person or

persons claiming under such title or claim of right in order to maintain action thereon, and the holder of such junior title, or color of title, shall have all the rights of the Government which have heretofore existed, or now exist, arising from the non-performance of all such conditions.

SEC. 3. Non-payment of taxes on any claim of title to land, dated prior to the 13th day of November, 1835, not recorded or archived, as provided in Section 2, by the person or persons so claiming, or those under whom he or they so claim, from that date up to the date of the adoption of this Constitution, shall be held to be a presumption that the right thereto has reverted to the State, and that said claim is a stale demand, which presumption shall only be rebutted by payment of all taxes on said lands, State, county, and city or town, to be assessed on the fair value of such lands by the Comptroller, and paid to him, without commutation or deduction for any part of the above period.

SEC. 4. No claim of title or right to land, which issued prior to the 13th day of November, 1835, which has not been duly recorded in the county where the land was situated at the time of such record, or which has not been duly archived in the General Land Office, shall ever hereafter be deposited in the General Land Office, or recorded in this State, or delineated on the maps, or used as evidence in any of the courts of this State, and the same are stale claims; but this shall not affect such rights or presumptions as arise from actual possession. By the words, "duly recorded," as used in Sections 2 and 4 of this Article, it is meant that such claim of title or right to land shall have been recorded in the proper office, and that mere errors in the certificate of registration, or informality, not affecting the fairness and good faith of the holder thereof, with which the record was made, shall not be held to vitiate such record.

SEC. 5. All claims, locations, surveys, grants, and titles, of any kind, which are declared null and void by the Constitution of the Republic or State of Texas, are, and the same shall remain forever, null and void.

SEC. 6. The Legislature shall pass stringent laws for the detection

and conviction of all forgers of land titles, and may make such appropriations of money for that purpose as may be necessary.

SEC. 7. Sections 2, 3, 4, and 5 of this Article shall not be so construed as to set aside or repeal any law or laws of the Republic or State of Texas, releasing the claimants of headrights of colonists of a league of land, or less, from compliance with the conditions on which their grants were made.

ARTICLE XIV.

PUBLIC LANDS AND LAND OFFICE.

SECTION 1. There shall be one General Land Office in the State, which shall be at the seat of government, where all land titles which have emanated or may hereafter emanate from the State shall be registered, except those titles the registration of which may be prohibited by this Constitution. It shall be the duty of the Legislature at the earliest practicable time to make the Land Office self-sustaining, and from time to time the Legislature may establish such subordinate offices as may be deemed necessary.

SEC. 2. All unsatisfied genuine land certificates barred by Section 4, Article 10, of the Constitution of 1869, by reason of the holders or owners thereof failing to have them surveyed and returned to the Land Office by the first day of January, 1875, are hereby revived. All unsatisfied genuine land certificates now in existence shall be surveyed and returned to the General Land Office within five years after the adoption of this Constitution, or be forever barred; and all genuine land certificates hereafter issued by the State shall be surveyed and returned to the General Land Office within five years after issuance, or be forever barred; *provided*, that all genuine land certificates heretofore or hereafter issued shall be located, surveyed, or patented only upon vacant and unappropriated public domain, and not upon any land titled or equitably owned under color of title from the sovereignty of the State, evidence of the appropriation of which is on the county records or in the General Land Office; or when the appropriation is evidenced by the occupation of the owner, or of some person holding for him.

SEC. 3. The Legislature shall have no power to grant any of the lands of this State to any railway company except upon the following restrictions and conditions:

First.—That there shall never be granted to any such corporation more than sixteen sections to the mile, and no reservation of any part of the public domain for the purpose of satisfying such grant shall ever be made.

Second.—That no land certificate shall be issued to such company until they have equipped, constructed, and in running order at least ten miles of road; and on the failure of such company to comply with the terms of its charter, or to alienate its land at a period to be fixed by law, in no event to exceed twelve years from the issuance of the patent, all said land shall be forfeited to the State and become a portion of the public domain, and liable to location and survey. The Legislature shall pass general laws only, to give effect to the provisions of this Section.

SEC. 4. No certificate for land shall be sold at the Land Office except to actual settlers upon the same, and in lots not to exceed one hundred and sixty acres.

SEC. 5. All lands heretofore or hereafter granted to railway companies, where the charter or law of the State required or shall hereafter require their alienation within a certain period, on pain of forfeiture, or is silent on the subject of forfeiture, and which lands have not been or shall not hereafter be alienated, in conformity with the terms of their charters, and the laws under which the grants were made, are hereby declared forfeited to the State and subject to pre-emption, location, and survey, as other vacant lands. All lands heretofore granted to said railroad companies, to which no forfeiture was attached on their failure to alienate, are not included in the foregoing clause; but in all such last-named cases it shall be the duty of the Attorney-general, in every instance where alienations have been or hereafter may be made, to inquire into the same, and if such alienation has been made in fraud of the rights of the State, and is colorable only, the real and beneficial interest being still in such corporation, to institute legal proceedings in the county where the seat of government is situated, to

forfeit such lands to the State, and if such alienation be judicially ascertained to be fraudulent and colorable as aforesaid, such lands shall be forfeited to the State and become a part of the vacant public domain, liable to pre-emption, location, and survey.

SEC. 6. To every head of a family without a homestead there shall be donated one hundred and sixty acres of public land, upon condition that he well select and locate said land, and occupy the same three years, and pay the office fees due thereon. To all single men of eighteen years of age and upward shall be donated eighty acres of public land, upon the terms and conditions prescribed for heads of families.

SEC. 7. The State of Texas hereby releases to the owner or owners of the soil all mines and minerals that may be on the same, subject to taxation as other property.

SEC. 8. Persons residing between the Nueces River and the Rio Grande, and owning grants for lands which emanated from the government of Spain, or that of Mexico, which grants have been recognized and validated by the State, by acts of the Legislature, approved February 10, 1852, August 15, 1870, and other acts, and who have been prevented from complying with the requirements of said acts by the unsettled condition of the country, shall be allowed until the first day of January, 1880, to complete their surveys, and the plats thereof, and to return their field-notes to the General Land Office; and all claimants failing to do so shall be forever barred; *provided*, nothing in this section shall be so construed as to validate any titles not already valid, or to interfere with the rights of third persons.

ARTICLE XV.

IMPEACHMENT.

SECTION 1. The power of impeachment shall be vested in the House of Representatives.

SEC. 2. Impeachment of the Governor, Lieutenant-governor, At-

SEC. I.—1. What is the difference between impeachment and the trial of impeachment?

SEC. II.—1. What officers are tried by the Senate?

torney-general, Treasurer, Commissioner of the General Land Office, Comptroller, and the Judges of the Supreme Court, Court of Appeals, and District Court, shall be tried by the Senate.

SEC. 3. When the Senate is sitting as a Court of Impeachment, the Senators shall be on oath, or affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two thirds of the Senators present.

SEC. 4. Judgment in cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust, or profit, under this State. A party convicted on impeachment shall also be subject to indictment, trial, and punishment, according to law.

SEC. 5. All officers against whom articles of impeachment may be preferred shall be suspended from the exercise of the duties of their office, during the pendency of such impeachment. The Governor may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer, until the decision on the impeachment.

SEC. 6. Any Judge of the District Courts of the State who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or oppression, or other official misconduct, or whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge, or who shall fail to execute in a reasonable measure the business in his courts, may be removed by the Supreme Court. The Supreme Court shall have original jurisdiction to hear and determine the causes aforesaid when presented in writing upon the oaths, taken before some Judge of a Court of Record, of not less than ten lawyers, practicing in the courts held by such judge, and licensed to practice in the Supreme Court; said presentment to be founded either upon the knowledge of the persons making it or upon the written oaths as to the facts of creditable witnesses. The Supreme Court may issue all needful process and prescribe all needful rules to give effect to

SEC. III.—1. How many votes are necessary to convict?

SEC. IV.—1. How is the convicted person punished?

SEC. VI.—1. For what causes may a District Judge be removed?

this section. Causes of this kind shall have precedence and be tried as soon as practicable.

SEC. 7. The Legislature shall provide by law for the trial and removal from office of all officers of this State, the modes for which have not been provided in this Constitution.

ADDRESS.

SEC. 8. The Judges of the Supreme Court, Court of Appeals, and District Courts, shall be removed by the Governor on the address of two thirds of each House of the Legislature, for willful neglect of duty, incompetency, habitual drunkenness, oppression in office, or other reasonable cause which shall not be sufficient ground for impeachment; *provided, however*, that the cause or causes for which such removal shall be required shall be stated at length in such address and entered on the journals of each House; *and provided further*, that the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defense before any vote for such address shall pass; and in all such cases, the vote shall be taken by yeas and nays, and entered on the journals of each House respectively.

ARTICLE XVI.

GENERAL PROVISIONS.

SECTION 1. Members of the Legislature, and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: "I (——) do solemnly swear (or affirm), that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ——, according to the best of my skill and ability, agreeably to the Constitution and laws of the United States and of this State; and I do further solemnly swear (or affirm), that since the adoption of the Constitution of this State, I, being a citizen of this State, have not fought a duel with deadly weapons, within this State nor out of it, nor have I sent or accepted a challenge to fight a

SEC. VIII.—1. For what causes may a Supreme Judge be removed?

SEC. I.—1. Give the substance of the oath legislators are required to take.

duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised, or assisted any person thus offending. And I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected (or if the office is one of appointment, to secure my appointment). So help me God."

SEC. 2. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who may have been or shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be protected by laws regulating elections, and prohibiting under adequate penalties all undue influence therein from power, bribery, tumult, or other improper practice.

SEC. 3. The Legislature shall make provisions whereby persons convicted of misdemeanors and committed to the county jails in default of payment of fines and costs, shall be required to discharge such fines and costs by manual labor, under such regulations as may be prescribed by law.

SEC. 4. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly assist in any manner those thus offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State.

SEC. 5. Every person shall be disqualified from holding any office of profit or trust in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 6. No appropriation for private or individual purposes shall be made. A regular statement, under oath, and an account of the

SEC. IV.—1. What is the punishment for taking any part in a duel?

SEC. V.—1. Give the section.

receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law.

SEC. 7. The Legislature shall, in no case, have power to issue "Treasury Warrants," "Treasury Notes," or paper of any description intended to circulate as money.

SEC. 8. Each county in the State may provide, in such manner as may be prescribed by law, a manual-labor poorhouse and farm, for taking care of, managing, employing, and supplying the wants of its indigent and poor inhabitants.

SEC. 9. Absence on business of the State, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office, under the exceptions contained in this Constitution.

SEC. 10. The Legislature shall provide for deductions from the salaries of public officers who may neglect the performance of any duty that may be assigned them by law.

SEC. 11. The legal rate of interest shall not exceed eight per cent. per annum, in the absence of any contract as to the rate of interest; and by contract parties may agree upon any rate not to exceed twelve per cent. per annum. All interest charged above this last-named rate shall be deemed usurious, and the Legislature shall, at its first session, provide appropriate pains and penalties to prevent and punish usury.

SEC. 12. No member of Congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit or trust under this State.

SEC. 13. It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitration, when the parties shall elect that method of trial.

SEC. 14 All civil officers shall reside within the State; and all

SEC. VIII.—1. For what does this section provide?

SEC. XI.—1. What is the legal rate of interest? 2. What is the highest rate permitted by law? 3. Explain how, in spite of this law, so many people charge eighteen and twenty per cent. interest.

SEC. XII.—1. Who are ineligible to State offices?

district or county officers within their districts or counties, and shall keep their offices at such places as may be required by law; and failure to comply with this condition shall vacate the office so held.

SEC. 15. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 16. No corporate body shall hereafter be created, renewed, or extended with banking or discounting privileges.

SEC. 17. All officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

SEC. 18. The rights of property and of action which have been acquired under the Constitution and laws of the Republic and State shall not be divested; nor shall any rights or actions which have been divested, barred, or declared null and void by the Constitution of the Republic and State, be re-invested, renewed, or re-instated by this Constitution; but the same shall remain precisely in the situation in which they were before the adoption of this Constitution, unless otherwise herein provided; and provided further, that no cause of action heretofore barred shall be revived.

SEC. 19. The Legislature shall prescribe by law the qualification of grand and petit jurors.

SEC. 20. The Legislature shall, at its first session, enact a law whereby the qualified voters of any county, justice's precinct, town, or city, by a majority vote, from time to time, may determine whether the sale of intoxicating liquors shall be prohibited within the prescribed limits.

SEC. 21. All stationary and printing, except proclamations and such printing as may be done at the Deaf and Dumb Asylum, paper, and fuel used in the legislative and other departments of the government, except the judicial department, shall be furnished, and the

SEC. XIV.—1. Where must State, district, and county officers live?

SEC. XV.—1. What is said of the wife's property?

printing and binding of the laws, journals, and department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the Legislature, and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price, and under such regulations as shall be prescribed by law. No member or officer of any department of the government shall be in any way interested in such contracts; and all such contracts shall be subject to the approval of the Governor, Secretary of State, and Comptroller.

SEC. 22. The Legislature shall have the power to pass such fence laws, applicable to any subdivision of the State, or counties, as may be needed to meet the wants of the people.

SEC. 23. The Legislature may pass laws for the regulation of live stock and the protection of stock-raisers in the stock-raising portion of the State, and exempt from the operation of such laws other portions, sections, or counties; and shall have power to pass general and special laws for the inspection of cattle, stock, and hides, and for the regulation of brands; *provided*, that any local law thus passed shall be submitted to the freeholders of the section to be affected thereby, and approved by them, before it shall go into effect.

SEC. 24. The Legislature shall make provision for laying out and working public roads, for the building of bridges, and for utilizing fines, forfeitures, and convict labor to all these purposes.

SEC. 25. That all drawbacks and rebatement of insurance, freight, transportation, carriage, wharfage, storage, compressing, baling, repairing, or for any other kind of labor or service, of or to any cotton, grain, or any other produce or article of commerce in this State, paid, or allowed, or contracted for to any common carrier, shipper, merchant, commission merchant, factor, agent, or middle-man of any kind, not the true and absolute owner thereof, are forever prohibited, and it shall be the duty of the Legislature to pass effective laws punishing all persons in this State who pay, receive, or contract for or respecting the same.

SEC. 26. Every person, corporation, or company that may commit a homicide, through willful act, or omission, or gross neglect, shall be responsible, in exemplary damages, to the surviving husband,

widow, heirs of his or her body, or such of them as there may be, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

SEC. 27. In all elections to fill vacancies of office in this State, it shall be to fill the unexpired term only.

SEC. 28. No current wages for personal service shall ever be subject to garnishment.

SEC. 29. The Legislature shall provide by law for defining and punishing barratry.

SEC. 30. The duration of all offices not fixed by this Constitution shall never exceed two years.

SEC. 31. The Legislature may pass laws prescribing the qualifications of practitioners of medicine in this State, and to punish persons for malpractice, but no preference shall ever be given by law to any schools of medicine.

SEC. 32. The Legislature may provide by law for the establishment of a Board of Health and Vital Statistics, under such rules and regulations as it may deem proper.

SEC. 33. The accounting officers of this State shall neither draw nor pay a warrant upon the treasury in favor of any person for salary or compensation as agent, officer, or appointee, who holds at the same time any other office or position of honor, trust, or profit under this State or the United States, except as prescribed in this Constitution.

SEC. 34. The Legislature shall pass laws authorizing the Governor to lease or sell to the government of the United States a sufficient quantity of the public domain of the State, necessary for the erection of forts, barracks, arsenals, and military stations, or camps, and for other needful military purposes; and the action of the Governor therein shall be subject to the approval of the Legislature.

SEC. 35. The Legislature shall, at its first session, pass laws to protect laborers on public buildings, streets, roads, railroads, canals, and other similar public works, against the failure of contractors and sub-contractors to pay their current wages when due, and to make the corporation, company, or individual for whose benefit the work is done, responsible for their ultimate payment.

SEC. 36. The Legislature shall, at its first session, provide for the payment, or funding, as they may deem best, of the amounts found to be justly due to the teachers in the public schools, by the State, for service rendered prior to the first day of July, 1873, and for the payment by the school districts in the State of amounts justly due teachers of public schools by such district to January, 1876.

SEC. 37. Mechanics, artisans, and material men, of every class, shall have a lien upon the buildings and articles made or repaired by them, for the value of their labor done thereon, or material furnished therefor; and the Legislature shall provide by law for the speedy and efficient enforcement of said liens.

SEC. 38. The Legislature may, at such time as the public interest may require, provide for the office of Commissioner of Insurance, Statistics, and History, whose term of office, duties, and salary shall be prescribed by law.

SEC. 39. The Legislature may, from time to time, make appropriations for preserving and perpetuating memorials of the history of Texas, by means of monuments, statues, paintings, and documents of historical value.

SEC. 40. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of Justice of the Peace, County Commissioner, Notary Public, and Postmaster, unless otherwise specially provided herein.

SEC. 41. Any person who shall, directly or indirectly, offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer or member of the Legislature, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law. And any member of the Legislature, or executive or judicial officer who shall solicit, demand, or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, or person, any money, appointment, employment, testimonial, reward, thing of value or employment, or of personal advantage or promise thereof, for his vote or official influence, or for withholding the same, or with any understanding, expressed or implied, that his vote or official

action shall be in any way influenced thereby, or who shall solicit, demand, and receive any such money or other advantage, matter, or thing aforesaid for another, as the consideration of his vote or official influence, in consideration of the payment or promise of such money, advantage, matter, or thing to another, shall be held guilty of bribery, within the meaning of the Constitution, and shall incur the disabilities provided for said offenses, with a forfeiture of the office they may hold, and such other additional punishment as is or shall be provided by law.

SEC. 42. The Legislature may establish an Inebriate Asylum for the cure of drunkenness and reform of inebriates.

SEC. 43. No man or set of men shall ever be exempted, relieved, or discharged from the performance of any public duty or service imposed by general law, by any special law. Exemptions from the performance of such public duty or service shall only be made by general law.

SEC. 44. The Legislature shall prescribe the duties and provide for the election by the qualified voters of each county in this State, of a County Treasurer and a County Surveyor, who shall have an office at the county seat, and hold their office for two years, and until their successors are qualified; and shall have such compensation as may be provided by law.

SEC. 45. It shall be the duty of the Legislature to provide for collecting, arranging, and safely keeping such records, rolls, correspondence, and other documents, civil and military, relating to the history of Texas, as may be now in the possession of parties willing to confide them to the care and preservation of the State.

SEC. 46. The Legislature shall provide by law for organizing and disciplining the militia of the State, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

SEC. 47. Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 48. All laws and parts of laws now in force in the State of Texas, which are not repugnant to the Constitution of the United

States, or to this Constitution, shall continue and remain in force as the laws of this State, until they expire by their own limitation or shall be amended or repealed by the Legislature.

SEC. 49. The Legislature shall have power, and it shall be its duty, to protect by law from forced sale a certain portion of the personal property of all heads of families, and also of unmarried adults, male and female.

SEC. 50. The homestead of a family shall be, and is hereby protected from forced sale for the payment of all debts, except for the purchase-money thereof, or a part of such purchase-money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in this last case only when the work and material are contracted for in writing, with the consent of the wife, given in the same manner as is required in making a sale and conveyance of the homestead; nor shall the owner, if a married man, sell the homestead without the consent of the wife, given in such manner as may be prescribed by law. No mortgage, trust deed, or other lien on the homestead shall ever be valid, except for the purchase-money therefor, or improvements made thereon, as hereinbefore provided, whether such mortgage, or trust deed, or other lien shall have been created by the husband alone, or together with his wife; and all pretended sales of the homestead involving any condition of defeasance shall be void.

SEC. 51. The homestead, not in a town or city, shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town, or village shall consist of lot, or lots, not to exceed in value five thousand dollars, at the time of their designation as the homestead, without reference to the value of any improvements thereon; *provided*, that the same shall be used for the purpose of a home, or as a place to exercise the calling or business of the head of a family; *provided also*, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired.

SEC. 52. On the death of the husband or wife, or both, the homestead shall descend and vest in like manner as other real property of

CONSTITUTION OF TEXAS.

the deceased, and shall be governed by the same laws of descent and distribution, but it shall not be partitioned among the heirs of the deceased during the life-time of the surviving husband or wife, or so long as the survivor may elect to use or occupy the same as a homestead, or so long as the guardian of the minor children of the deceased may be permitted, under the order of the proper court having the jurisdiction, to use and occupy the same.

SEC. 53. That no inconvenience may arise from the adoption of this Constitution, it is declared that all process and writs of all kinds which have been or may be issued and not returned or executed when this Constitution is adopted, shall remain valid, and shall not be in any way affected by the adoption of this Constitution.

SEC. 54. It shall be the duty of the Legislature to provide for the custody and maintenance of indigent lunatics, at the expense of the State, under such regulations and restrictions as the Legislature may prescribe.

SEC. 55. The Legislature may provide annual pensions, not to exceed one hundred and fifty dollars per annum, to surviving soldiers or volunteers, in the war between Texas and Mexico, from the commencement of the revolution in 1835, until the first of January, 1837; and also to the surviving signers of the Declaration of Independence of Texas; and to the surviving widows continuing unmarried of such soldiers and signers; *provided*, that no such pension be granted except to those in indigent circumstances, proof of which shall be made before the County Court of the county where the applicant resides, in such manner as may be provided by law.

SEC. 56. The Legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a bureau of immigration, or for any purpose of bringing immigrants to this State.

SEC. 57. Three million acres of the public domain are hereby appropriated and set apart for the purpose of erecting a new State capitol and other necessary public buildings at the seat of Government, said lands to be sold under the direction of the Legislature; and the Legislature shall pass suitable laws to carry this section into effect.

ARTICLE XVII.

MODE OF AMENDING THE CONSTITUTION OF THIS STATE.

SECTION 1. The Legislature, at any biennial session, by a vote of two thirds of all the members elected to each House, to be entered by yeas and nays on the journals, may propose amendments to the Constitution, to be voted upon by the qualified electors for members of the Legislature, which proposed amendments shall be duly published once a week for four weeks, commencing at least three months before an election, the time of which shall be specified by the Legislature, in one weekly newspaper of each county, in which such a newspaper may be published; and it shall be the duty of the several returning officers of said election to open a poll for, and make returns to the Secretary of State, of the number of legal votes cast at said election for and against said amendments; and if more than one be proposed, then the number of votes cast for and against each of them; and if it shall appear from said return that a majority of the votes cast have been cast in favor of any amendment, the said amendment so receiving a majority of the votes cast shall become a part of this Constitution, and proclamation shall be made by the Governor thereof.

Done by the delegates of the people of Texas, in Convention assembled, in the city of Austin, on this the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and seventy-five.

In testimony whereof we hereunto subscribe our names:

EDWARD B. PICKETT,
President of the Convention.

LEIGH CHALMERS,
Secretary of the Convention.

AMENDMENTS TO THE CONSTITUTION OF THE STATE OF TEXAS.

ARTICLE V.

ADDITIONAL SECTIONS.

SEC. 29. The County Court shall hold at least four terms for both civil and criminal business annually, as may be provided by the Legislature, or by the Commissioners' Court of the county under authority of law, and such other terms each year as may be fixed by the Commissioners' Court; *provided*, the Commissioners' Court of any county having fixed the time and number of terms of the County Court, shall not change the same again till the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulation as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is, or may be, provided by law, and a jury therein shall consist of six men. Until otherwise provided, the terms of the County Court shall be held on the first Mondays in February, May, August, and November, and may remain in session three weeks.

ARTICLE VII.

Sections 3, 4, and 6, amended so as to read as follows:

SEC. 3. One fourth of the revenue derived from the State occupation taxes, and a poll tax of one dollar on every male inhabitant of this State between the ages of twenty-one and sixty years, shall be set apart annually for the public free schools, and in addition thereto, there shall be levied and collected an annual ad valorem tax of such an amount, not to exceed twenty cents on the one hun-

dred dollars' valuation, as with the available school fund arising from all other sources, will be sufficient to support and maintain the public free schools of this State for not less than six months in each year; and the Legislature may also provide for the formation of school districts within all or any of the counties of this State, by general or special law, without the local notice required in other cases of special legislation, and may authorize an additional annual ad valorem tax to be levied and collected within such school districts for the further maintenance of public free schools and the erection of school buildings therein; *provided*, that two thirds of the qualified property tax-paying voters of the district, voting at an election to be held for that purpose, shall vote such tax, not to exceed, in any one year, twenty cents on the one hundred dollars' valuation of property subject to taxation in such district, but the limitation upon the amount of district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts.

SEC. 4. The lands herein set apart for the public free school fund, shall be sold under such regulations, at such times, and on such terms, as may be prescribed by law; and the Legislature shall not have power to grant any relief to purchasers thereof. The Comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the Board of Education herein provided for, in the bonds of the United States, the State of Texas, or counties in said State, or in such other securities and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments.

SEC. 6. All lands heretofore or hereafter granted to the several counties of this State for educational purposes, are of right the property of said counties, respectively, to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands, in whole or in part, in manner to be provided by the Commissioners' Court of the county. Actual settlers, residing on said lands, shall be protected in the prior right of purchasing the same to the extent of their settlement, not

to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by the settlers. Said lands, and the proceeds thereof, when sold, shall be held by said counties alone, as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the United States, the State of Texas, or counties in said State, or in such other securities and under such restrictions as may be prescribed by law; and the counties shall be responsible for all investments; the interest thereon, and other revenue, except the principal, shall be available fund.

ARTICLE VIII.

Section 9 amended so as to read as follows:

SEC. 9. The State tax on property exclusive of the tax necessary to pay the public debt, and of the taxes provided for the benefit of public free schools, shall never exceed thirty-five cents on the one hundred dollars' valuation; and no county, city, or town shall levy more than twenty-five cents for city or county purposes, and not to exceed fifteen cents for roads and bridges, on the one hundred dollars' valuation, except for the payment of debts incurred prior to the adoption of this Amendment, and for the erection of public buildings, street, sewer, and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars' valuation in any one year, and except as is in this Constitution otherwise provided.

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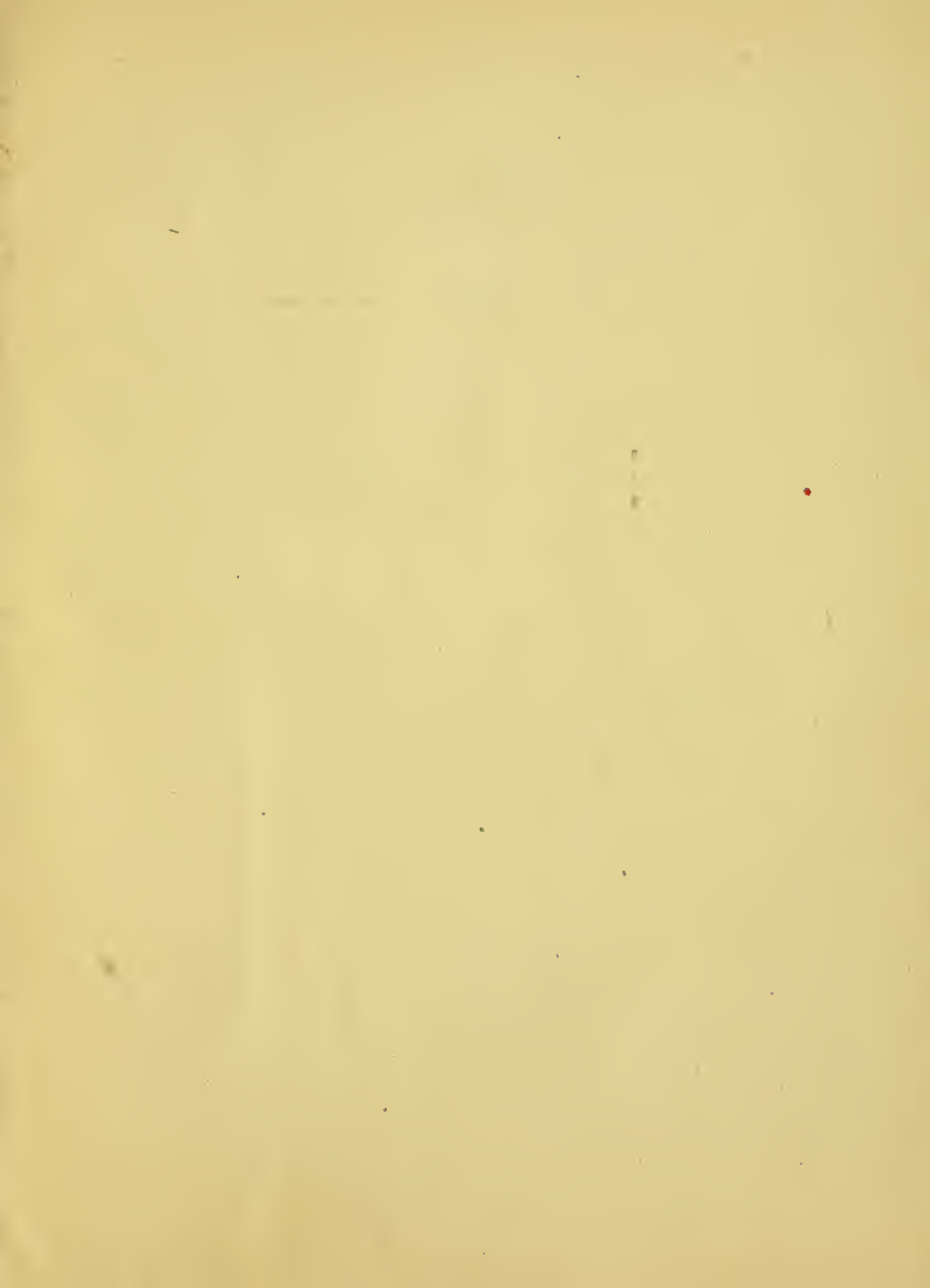
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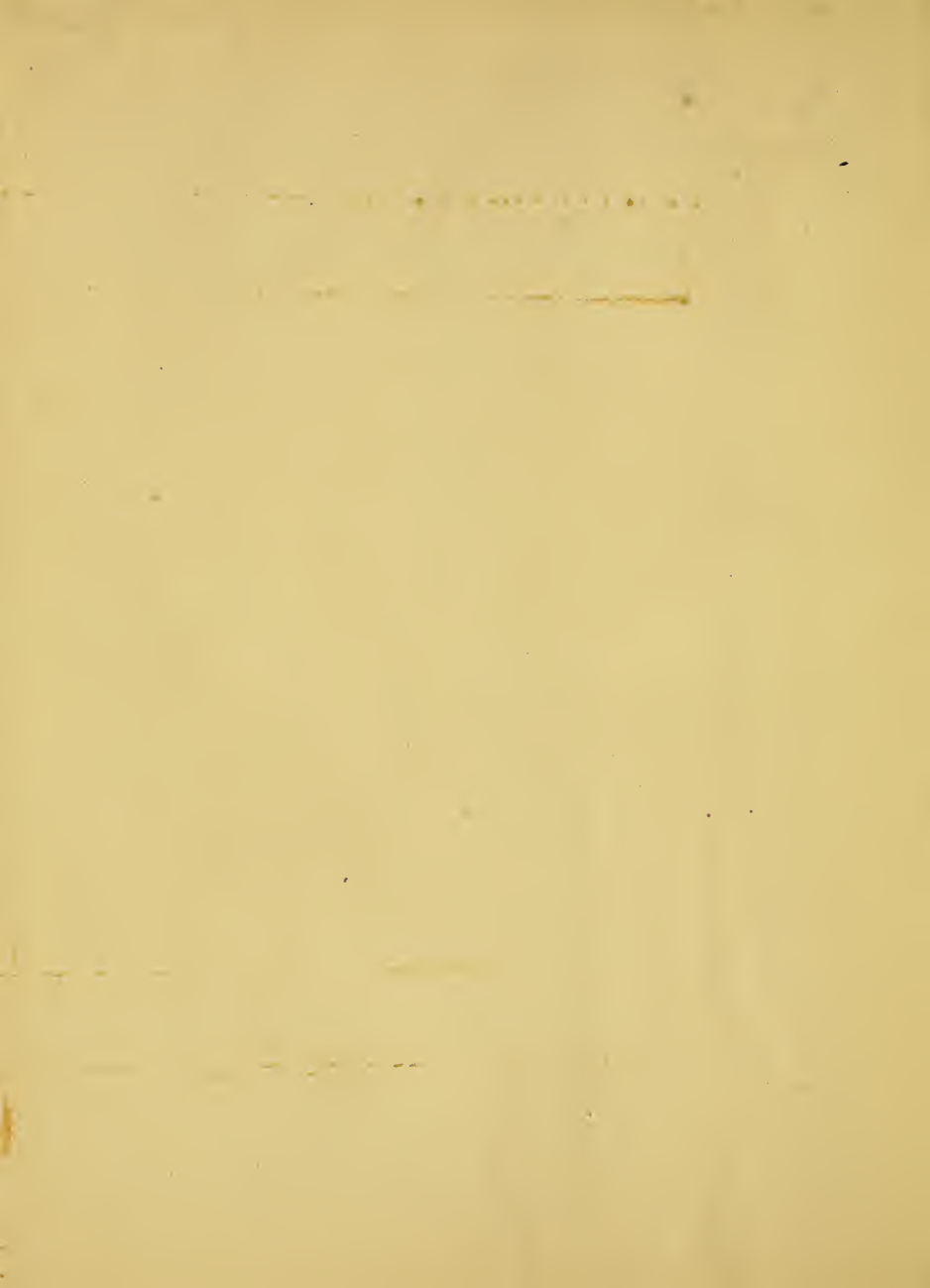
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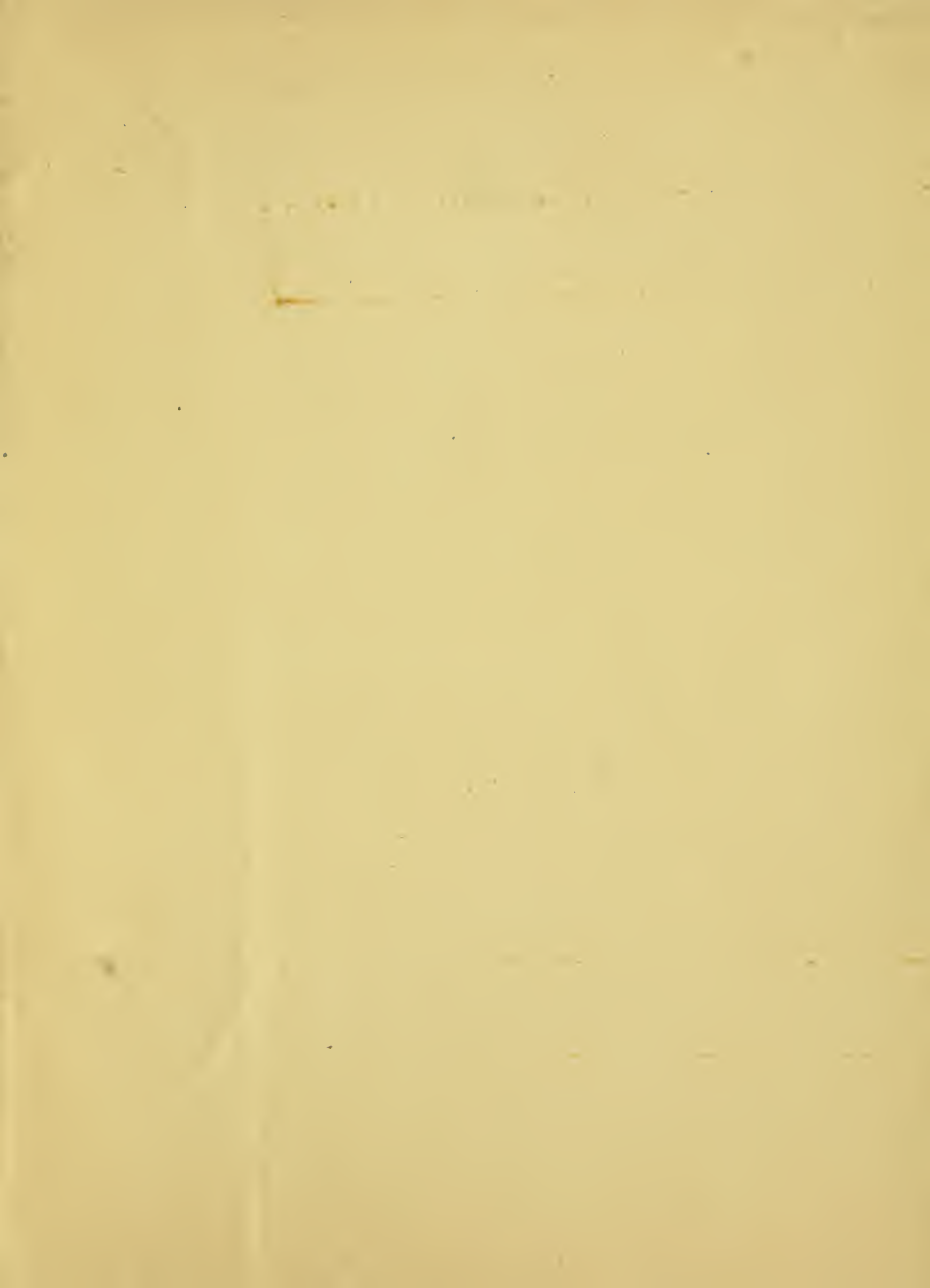
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